REPORT
OF THE
COMMITTEE
ON THE ELIMINATION
OF RACIAL DISCRIMINATION

GENERAL ASSEMBLY

OFFICIAL RECORDS: FORTY-FOURTH SESSION

SUPPLEMENT No. 18 (A/44/18)

UNITED NATIONS

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New York, 1990

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LETTER OF TRANSMITTAL

1 September 1989

Sir,

I have the honour to refer to article 9, paragraph 2, of the International Convention on the Elimination of All Forms of Racial Discrimination. In accordance with that article, the Committee on the Elimination of Racial Discrimination, established pursuant to the Convention, "shall report annually, through the Secretary-General, to the General Assembly of the United Nations on its activities".

You will recall that, owing to the non-payment of the assessed contributions by a number of States parties over several years and the grave financial crisis facing the United Nations, the normal functioning of the Committee on the Elimination of Racial Discrimination has been disrupted since 1986.

As you are aware, the financial problem facing the Committee continues to be critical in 1989 and, as a result, the Committee's spring session had to be cancelled. However, the Committee was able to hold its thirty-seventh session from 7 August to 1 September 1989.

At its 862nd meeting, held today, 1 September 1989, the Committee unanimously adopted its 1989 report in fulfilment of its obligations under the Convention; it is submitted to you herewith for transmission to the General Assembly at its forty-fourth session.

Accept, Sir, the assurances of my highest consideration.

(*Signed*) George O. LAMPTEY
Chairman of the
Committee on the Elimination
of Racial Discrimination

His Excellency
Mr. Javier Pérez de Cuéllar
Secretary-General of the United Nations
New York

I. ORGANIZATIONAL AND RELATED MATTERS

A. States parties to the Convention on the Elimination of All Forms of Racial Discrimination

1. As at 1 September 1989, the closing date of the thirty-seventh session of the Committee on the Elimination of Racial Discrimination, there were 128 States parties to the International Convention on the Elimination of All Forms of Racial Discrimination, which was adopted by the General Assembly in resolution 2106 A (XX) of 21 December 1965 and opened for signature and ratification in New York on 7 March 1966. The Convention entered into force on 4 January 1969 in accordance with the provisions of its article 19.

2. By the closing date of the thirty-seventh session, 12 of the 128 States parties to the Convention had made the declaration envisaged in article 14, paragraph 1, of the Convention. Article 14 of the Convention entered into force on 3 December 1982, following the deposit with the Secretary-General of the tenth declaration recognizing the competence of the Committee to receive and consider communications from individuals or groups of individuals who claim to be victims of a violation by the State party concerned of any of the rights set forth in the Convention. Lists of States parties to the Convention and of those which have made the declaration under article 14 are contained in annex I.

B. Session and agenda

3. The Committee on the Elimination of Racial Discrimination, owing to non-payment of contributions by a number of States parties, was unable to hold its spring session in 1989. The Committee held only one extended session of four weeks' duration in 1989. The thirty-seventh session (831st-862nd meetings) was held at the United Nations Office at Geneva from 7 August to 1 September 1989.

4. The agenda of the session as adopted by the Committee is reproduced in annex II.

C. Membership and attendance

5. The membership of the Committee remained the same as in 1988 (see annex III).

6. All members of the Committee, except Mr. Vidas, attended the thirty-seventh session. Messrs. Ahmadu, Beshir, Braunschweig, Foighel, Reshetov, Rhenan Segura and Sherifis attended only part of the session. 1/

D. Officers of the Committee

7. The officers elected at the thirty-sixth session for a term of two years, in accordance with article 10, paragraph 2, of the Convention, continued to serve at the thirty-seventh session. The officers of the Committee are the following:

Chairman: Mr. George O. LAMPTEY

Vice-Chairmen: Mr. Ivan GARVALOV
Mr. Karl Josef PARTSCH
Mr. Mario Jorge YUTZIS

Rapporteur: Mrs. Shanti SADIQ ALI

E. Co-operation with the International Labour Organisation and the United Nations Educational, Scientific and Cultural Organization

8. In accordance with Committee decision 2 (VI) of 21 August 1972 concerning co-operation with the International Labour Organisation (ILO) and the United Nations Educational, Scientific and Cultural Organization (UNESCO), [2] representatives of both organizations attended the sessions of the Committee.

9. At the thirty-seventh session, the report of the ILO Committee of Experts on the Application of Conventions and Recommendations, submitted to the seventy-sixth session of the International Labour Conference, was made available to the members of the Committee on the Elimination of Racial Discrimination, in accordance with arrangements for co-operation between the two committees. The Committee took note with appreciation of the report of the Committee of Experts, in particular of those sections which dealt with the application of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) and the Indigenous and Tribal Populations Convention, 1957 (No. 107), as well as other information in the report relevant to its activities.

II. ACTION BY THE GENERAL ASSEMBLY AT ITS FORTY-THIRD SESSION

10. The Committee considered this item at its 840th, 849th, 853rd and 854th meetings, held on 14, 21, and 23 August 1989. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the meeting of Chairpersons of human rights treaty bodies (A/44/98);

(b) Letter dated 29 September 1988 from the Minister of Foreign Affairs of the Netherlands addressed to the Secretary-General (A/C.3/43/5);

(c) Report of the Secretary-General on the status of the International Convention on the Elimination of All Forms of Racial Discrimination (A/43/517);

(d) Relevant summary records of the Third Committee (A/C.3/43/SR.4-17, 23, 39-43, 50 and 51);

(e) Reports of the Third Committee (A/43/777 and A/43/873);

(f) General Assembly resolutions 43/95, 43/96 and 43/115;

(g) Commission on Human Rights resolutions 1989/46 and 1989/47.

A. Action by the General Assembly at its forty-third session on the annual report submitted by the Committee under article 9, paragraph 2, of the Convention

11. The Rapporteur of the Committee introduced sub-item (a) of this item at the 840th meeting of the Committee. She pointed out that the report of the Committee had been considered by the General Assembly at its forty-third session jointly with other related matters, such as the status of the International Convention on the Suppression and Punishment of the Crime of *Apartheid*, and pointed out that more than half of the Member States that had participated in the debate on the item in the Third Committee had emphasized the importance of the Committee on the Elimination of Racial Discrimination in the field of human rights, and many of them had focused their attention on the urgent need to find a long-term solution to the financial crisis facing the Committee at the present moment. Many had emphasized the importance of States parties fulfilling their financial obligations under the Convention so as to enable the Committee to function normally in the discharge of its functions.

12. The Rapporteur stated that many delegates had prefaced their observations concerning the financial crisis facing the Committee by emphasizing that with 125 States parties [currently 128], the Convention had the highest number of adherences in the field of human rights, and that by this overwhelming adherence, the international community had recognized the immoral character of discriminatory practices and had pledged to eliminate them. In that regard, delegates had expressed the hope that all other States would ratify or accede to the Convention. She said that delegations had described the Committee on the Elimination of Racial Discrimination as one of the most important legal instruments in the field of human

rights and as a basis for the fight against racism, which had made a valuable contribution to the international effort to advance the effective enjoyment of human rights.

13. The Rapporteur said that delegates in the Third Committee had pointed out the fact that education had an important role to play in combating racial discrimination. It was emphasized that the young generation should be educated to respect human rights and fundamental freedoms of all people without discrimination. She said that even non-States parties had made favourable comments on the work and importance of the Committee. Some delegates had stated, however, that eloquent statements about the pioneering work of the Committee were not matched by fulfilment of voluntary acceptance of financial obligations. Delegates had questioned whether 20 years after the entry into force of one of the most important of international human rights instruments, the International Convention and its supervisory Committee, should be allowed to be weakened to a point of extinction by the failure of a number of States parties to fulfil their financial obligations under article 8, paragraph 6, of the Convention. She stated, in this respect, that a number of delegations had supported decision 1 (XXXVI) of the Committee concerning the financial situation of the Committee (A/43/18, chap. VII). However, she pointed out that other delegations had emphasized the need for the defaulting States parties to honour their financial obligation under the Convention. On the other hand, a number of delegations had taken the view that temporary measures should be adopted in order not to compromise the Committee's effectiveness.

14. The Committee expressed concern that no long-term solution to the financial crisis facing the Committee had yet been found, and regretted the fact that its spring 1989 session had to be cancelled owing to failure by a number of States parties to meet their financial obligations under the Convention.

15. Members of the Committee observed that the financial position of the Committee, despite repeated urgent appeals by the Committee, the meeting of States parties, the General Assembly and the Secretary-General, had not improved. In this respect, the Committee was of the view that the decision it took on the matter at its thirty-sixth session was still valid and should be reiterated. It was noted that, as the meeting of Chairpersons of human rights treaty bodies had observed, it was not only the Committee on the Elimination of Racial Discrimination, but other committees as well that were concerned with financial difficulties, impeding their effective functioning.

16. Members of the Committee also noted that the Commission on Human Rights in its resolution 1989/47 had supported the recommendation made by the meeting of Chairpersons on the need to ensure adequate financing of the human rights treaty bodies and had noted that the General Assembly could consider temporary allocation of necessary funds to the treaty bodies experiencing financial difficulties by way of advance out of the regular budget, to be reimbursed when the outstanding contributions were received. The Commission had also called upon States parties to fulfil their financial obligations pursuant to human rights instruments. In this respect, it was emphasized that the Committee should maintain contact with the Commission on Human Rights and other human rights bodies, and should avail itself of every opportunity to make those bodies aware of its activities and difficulties. A member urged that the Committee should also adopt a strategy aimed at disseminating information on its work and increasing public awareness of its problems.

17. Some members pointed out that the failure by a number of States parties to fulfil their financial obligations was not due to budgetary constraints, as the amounts involved were minimal, but due to lack of political will. Other members were of the view that the failure was simply due to inertia. It was simply a question of attitudes to human rights instruments and the obligations arising from them.

18. It was suggested that the Committee, through its Chairman, should write letters to the defaulting States parties and draw their attention once again to their financial obligations under the Convention; a letter could also be addressed to the Secretary-General on the matter.

19. At its 849th meeting, the Committee established a sessional working group, composed of four of its members, to consider possible actions the Committee could take with respect to the financial crisis confronting it.

20. At its 854th meeting, the Committee adopted, as amended, a draft decision prepared by its sessional working group, to be included in its report to the General Assembly for appropriate action at the forty-fourth session. The text of the decision, as adopted by the Committee, appears in chapter VII below.

21. Upon the recommendation of its sessional working group, the Committee also decided to authorize its Chairman to write letters to the Secretary-General, the Chairman of the meeting of States parties, and the States parties with outstanding contributions. The Committee further decided that an up-to-date list of outstanding assessments should be annexed to its report (see annex IV below).

B. Reporting obligations of States parties to the United Nations conventions on human rights

22. The Chairman, introducing sub-item (b) at the Committee's 849th meeting, emphasized, in particular, the conclusions and recommendations of the meeting of Chairpersons of human rights treaty bodies (A/44/98), which he had attended. He drew attention to General Assembly resolution 43/115, and Commission on Human Rights resolutions 1989/46 and 1989/47, which had been adopted on the basis of the recommendations adopted by the meeting of Chairpersons. The Chairman invited the Committee to consider the recommendations in question and express its views thereon, in particular on the recommendation concerning the question of consolidating the initial part of the guidelines of supervisory bodies entrusted with the consideration of reports of States parties on the implementation of United Nations conventions on human rights, on the basis of a draft prepared by the Secretary-General (A/40/600, para. 21).

23. The Chairman also drew the attention of the Committee to a letter addressed to him by the Chairman of the Committee on the Elimination of Discrimination Against Women, informing him that at its eighth session that Committee had considered the report of the meeting of Chairpersons and had decided to transmit its own conclusions to the chairpersons of other treaty bodies. In view of the recommendation of the meeting of Chairpersons concerning future co-ordination and communication among chairpersons, the Committee also authorized the Chairman to transmit the views of the Committee on the Elimination of Racial Discrimination to other chairpersons.

14

24. Members of the Committee urged that the system of appointing country rapporteurs, which it had instituted at the last session on an experimental basis, should be continued in view of its noted success. It was observed that the system of country rapporteurs had reduced the time needed for consideration of each State report and had helped to enhance dialogue with State parties representatives. In this regard, it was suggested that the Committee may consider up to four reports per day and thus reduce the backlog that had developed as a result of the disruption of its work and its meeting schedule.

25. At its 849th meeting, the Committee established a sessional working group of four of its members to consider the recommendations made and conclusions adopted by the meeting of Chairpersons of human rights treaty bodies.

26. At its 854th meeting, the Committee, having considered the draft recommendations made to it by the sessional working group, adopted the following views relating to the conclusions and recommendations of the Chairpersons:

Views of the Committee on the Elimination of Racial Discrimination on the conclusions and recommendations of the meeting of Chairpersons of human rights treaty bodies

(a) Consolidation of reporting guidelines

1. The Committee finds that the proposals contained in paragraph 21 of the report of the Secretary-General (document A/40/600) meet its requirements under the International Convention on the Elimination of All Forms of Racial Discrimination in respect of the consolidation of guidelines relating to Part I of the reports of States parties. The Committee also endorses the idea that such consolidated general guidelines could be made available to each of the treaty bodies whenever that body considers a report from its States parties.

2. In this connection the Committee considers that the information reflected in subparagraphs (a), (b) and (c) of the Secretary-General's proposal is of direct relevance to the Committee on the Elimination of Racial Discrimination and would satisfy its requirements under the Convention.

3. The Committee is also of the opinion that the information requested in subparagraph (d) of paragraph 21 would be of interest to its work under the Convention, such as unemployment and literacy rates.

(b) Reporting obligations (overdue reports)

4. In connection with the general problem of overdue reports affecting the implementation of several human rights treaties, in particular the International Convention on the Elimination of All Forms of Racial Discrimination, the Committee endorses the suggestion that technical assistance and advisory services should be provided on a regular basis by the Secretary-General to assist States parties in fulfilling their reporting obligations. The Committee believes that the emphasis in providing such assistance should be placed on regional and subregional training courses in the preparation and submission of reports by States parties.

(c) Question of periodicity of reporting

5. In connection with the recommendation in paragraph 90 of the report of the Meeting of Chairpersons, the Committee wishes to draw attention to the fact that it has already endorsed the proposal relating to the periodicity of reporting made at the 11th meeting of States parties to the Convention, to the effect that as a general practice, after the submission of initial comprehensive reports to the Committee, States parties would submit further comprehensive reports on every second occasion thereafter, when reports were due, i.e. every four years, and that they would submit brief updating reports on each intervening occasion when reports were due under the Convention (see A/43/18, para. 24 (c)).

(d) Use of rapporteurs or co-ordinators

6. In connection with the recommendation for the use of rapporteurs and co-ordinators to expedite timely and effective consideration of periodic reports, the Committee draws attention to the fact that, in implementation of its decision taken at its thirty-sixth session, it began the practice, as from its thirty-seventh session, of using country rapporteurs to prepare analyses of reports of States parties. The Committee believes that the system of rapporteurs has contributed to the reduction of time for the consideration of each State report and strengthens the dialogue with States parties representatives.

III. CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION

A. Status of submission of reports by States parties

1. Reports received by the Committee

27. From the establishment of the Committee on the Elimination of Racial Discrimination until the closing date of its thirty-seventh session (1 September 1989), a total of 979 reports under article 9, paragraph 1, of the Convention have been due from States parties as follows: 125 initial reports, 126 second periodic reports, 127 third periodic reports, 115 fourth periodic reports, 107 fifth periodic reports, 100 sixth periodic reports, 92 seventh periodic reports, 81 eighth periodic reports, 65 ninth periodic reports and 41 tenth periodic reports.

28. By the end of the thirty-seventh session, a total of 784 reports had been received by the Committee as follows: 121 initial reports, 111 second periodic reports, 106 third periodic reports, 98 fourth periodic reports, 88 fifth periodic reports, 79 sixth periodic reports, 69 seventh periodic reports, 55 eighth periodic reports, 38 ninth periodic reports and 19 tenth periodic reports.

29. In addition, 72 supplementary reports containing additional information were received from the States parties, submitted either on the initiative of the States parties concerned or at the request of the Committee following its examination of their respective initial or periodic reports under the Convention.

30. During the period under review, i.e. between the closing dates of the Committee's thirty-sixth and thirty-seventh sessions (12 August 1988 and 1 September 1989), 27 reports were received by the Committee: 1 initial report, 1 second periodic report, 1 third periodic report, 1 fourth periodic report, 2 sixth periodic reports, 3 seventh periodic reports, 3 eighth periodic reports, 6 ninth periodic reports and 9 tenth periodic reports. One supplementary report was also received during the period under review.

31. The relevant information concerning all reports received during the period under review is contained in table 1 below.

32. As the information in table 1 shows, only 4 of the 27 reports received during the period under review were submitted on time or before the deadline provided for under article 9, paragraph 1, of the Convention. The rest were submitted after a delay, ranging from a few days to over four years.

Table 1. Reports received during the period under review (12 August 1988 to 1 September 1989)

State party	Type of report	Date on which the report was due	Date on which the report was submitted
Dominican Republic	Initial report	24 June 1984	18 August 1988
Dominican Republic	Second report	24 June 1986	18 August 1988
Dominican Republic	Third report	24 June 1988	18 August 1988
Colombia	Fourth report	2 October 1988	25 December 1988
Australia	Sixth report	30 October 1986	1 June 1989
Burundi	Sixth report	26 November 1988	16 August 1989
Democratic Yemen	Seventh report	19 November 1987	23 January 1989
Qatar	Seventh report	22 August 1989	16 May 1989
Rwanda	Seventh report	16 May 1988	2 November 1988
Cameroon	Eighth report	24 July 1986	15 February 1989
Democratic Yemen	Eighth report	19 November 1989	23 January 1989
Malta	Eighth report	26 June 1986	26 July 1989
Cameroon	Ninth report	24 July 1988	15 February 1989
Denmark	Ninth report	8 January 1989	11 August 1989
Malta	Ninth report	26 June 1988	26 July 1989
Norway	Ninth report	6 September 1987	25 July 1989
Philippines	Ninth report	5 January 1986	12 July 1989
Sweden	Ninth report	5 January 1989	5 January 1989
Argentina	Tenth report	5 January 1988	27 February 1989
Byelorussian Soviet Socialist Republic	Tenth report	7 May 1988	25 January 1989
Egypt	Tenth report	5 January 1988	5 December 1988
Finland	Tenth report	16 August 1988	17 August 1989
Germany, Federal Republic of	Tenth report	14 June 1988	3 January 1989
Mongolia	Tenth report	4 September 1988	18 October 1988
Philippines	Tenth report	5 January 1988	12 July 1989
Ukrainian Soviet Socialist Republic	Tenth report	5 April 1988	24 January 1989
United Kingdom of Great Britain and Northern Ireland	Tenth report	5 April 1988	5 October 1988 25 May 1989

2. Reports not yet received by the Committee

33. By the closing date of the thirty-seventh session of the Committee, 195 reports expected from 87 States parties before that date had not yet been received. They comprised 4 initial reports, 15 second periodic reports, 21 third periodic reports, 17 fourth periodic reports, 19 fifth periodic reports, 21 sixth periodic reports, 23 seventh periodic reports, 26 eighth periodic reports, 27 ninth periodic reports and 22 tenth periodic reports. In addition, one supplementary report requested by the Committee was not received. Table 2 below provides the relevant information on these reports.

Table 2. Reports that were due before the closing date of the thirty-seventh session (1 September 1989) but have not yet been received

State party	Type of report	Date on which the report was due	Number of reminders sent
Sierra Leone	Fourth report	5 January 1976	21
	Fifth report	5 January 1978	17
	Sixth report	5 January 1980	15
	Seventh report	5 January 1982	11
	Eighth report	5 January 1984	7
	Ninth report	5 January 1986	3
	Tenth report	5 January 1988	-
	Supplementary	31 March 1975	-
Swaziland	Fourth report	6 May 1976	22
	Fifth report	6 May 1978	18
	Sixth report	6 May 1980	16
	Seventh report	6 May 1982	10
	Eighth report	6 May 1984	6
	Ninth report	6 May 1986	1
	Tenth report	6 May 1988	-
Liberia	Initial report	5 December 1977	18
	Second report	5 December 1979	14
	Third report	5 December 1981	10
	Fourth report	5 December 1983	7
	Fifth report	5 December 1985	3
	Sixth report	5 December 1987	-
Guyana	Initial report	17 March 1978	18
	Second report	17 March 1980	14
	Third report	17 March 1982	10
	Fourth report	17 March 1984	7
	Fifth report	17 March 1986	3
	Sixth report	17 March 1988	-

Table 2 (continued)

State party	Type of report	Date on which the report was due	Number of reminders sent
Guinea	Second report	13 April 1980	14
	Third report	13 April 1982	10
	Fourth report	13 April 1984	6
	Fifth report	13 April 1986	1
	Sixth report	13 April 1988	-
Zaire	Third report	21 May 1981	12
	Fourth report	21 May 1983	8
	Fifth report	21 May 1985	4
	Sixth report	21 May 1987	1
	Seventh report	21 May 1989	-
Gambia	Second report	28 January 1982	11
	Third report	28 January 1984	7
	Fourth report	28 January 1986	3
	Fifth report	28 January 1988	-
Côte d'Ivoire	Fifth report	4 February 1982	11
	Sixth report	4 February 1984	7
	Seventh report	4 February 1986	3
	Eighth report	4 February 1988	-
Lebanon	Sixth report	12 December 1982	9
	Seventh report	12 December 1984	5
	Eighth report	12 December 1986	2
	Ninth report	12 December 1988	-
Gabon	Second report	30 March 1983	8
	Third report	30 March 1985	4
	Fourth report	30 March 1987	1
	Fifth report	30 March 1989	-
Togo	Sixth report	1 October 1983	7
	Seventh report	1 October 1985	3
	Eighth report	1 October 1987	-
Uganda	Second report	21 December 1983	7
	Third report	21 December 1985	3
	Fourth report	21 December 1987	-
Uruguay	Eighth report	5 January 1984	5
	Ninth report	5 January 1986	2
	Tenth report	5 January 1988	-
Fiji	Sixth report	11 January 1984	5
	Seventh report	11 January 1986	2
	Eighth report	11 January 1988	-

Table 2 (continued)

State party	Type of report	Date on which the report was due	Number of reminders sent
Bahamas	Fifth report	5 August 1984	6
	Sixth report	5 August 1986	2
	Seventh report	5 August 1988	-
Belgium	Fifth report	6 September 1984	5
	Sixth report	6 September 1986	2
	Seventh report	6 September 1988	-
Somalia	Fifth report	27 September 1984	5
	Sixth report	27 September 1986	2
	Seventh report	27 September 1988	-
Cape Verde	Third report	2 November 1984	5
	Fourth report	2 November 1986	2
	Fifth report	2 November 1988	-
Lesotho	Seventh report	4 December 1984	5
	Eighth report	4 December 1986	2
	Ninth report	4 December 1988	-
Saint Vincent and the Grenadines	Second report	9 December 1984	5
	Third report	9 December 1986	2
	Fourth report	9 December 1988	-
El Salvador	Third report	30 December 1984	5
	Fourth report	30 December 1986	2
	Fifth report	30 December 1988	-
Papua New Guinea	Second report	26 February 1985	5
	Third report	26 February 1987	2
	Fourth report	26 February 1989	-
Zambia	Seventh report	5 March 1985	5
	Eighth report	5 March 1987	2
	Ninth report	5 March 1989	-
Suriname	Initial report	15 March 1985	5
	Second report	15 March 1987	2
	Third report	15 March 1989	-
Solomon Islands	Second report	17 March 1985	5
	Third report	17 March 1987	2
	Fourth report	17 March 1989	-
Botswana	Sixth report	22 March 1985	5
	Seventh report	22 March 1987	2
	Eighth report	22 March 1989	-

Table 2 (continued)

State party	Type of report	Date on which the report was due	Number of reminders sent
Lao People's Democratic Republic	Sixth report	24 March 1985	4
	Seventh report	24 March 1987	1
	Eighth report	24 March 1989	-
Viet Nam	Second report	9 July 1985	4
	Third report	9 July 1987	1
	Fourth report	9 July 1989	-
Greece	Eighth report	19 July 1985	3
	Ninth report	19 July 1987	1
	Tenth report	19 July 1989	-
Burkina Faso	Sixth report	18 August 1985	4
	Seventh report	18 August 1987	-
	Eighth report	18 August 1989	-
Bolivia	Eighth report	21 October 1985	3
	Ninth report	21 October 1987	-
Bulgaria	Ninth report	5 January 1986	3
	Tenth report	5 January 1988	-
Iran (Islamic Republic of)	Ninth report	5 January 1986	3
	Tenth report	5 January 1988	-
Tunisia	Ninth report	5 January 1986	3
	Tenth report	5 January 1988	-
Guatemala	Second report	17 February 1986	2
	Third report	17 February 1988	-
Central African Republic	Eighth report	14 April 1986	2
	Ninth report	14 April 1988	-
Sudan	Fifth report	20 April 1986	2
	Sixth report	20 April 1988	-
Mozambique	Second report	18 May 1986	2
	Third report	18 May 1988	-
Syrian Arab Republic	Ninth report	20 May 1986	1
	Tenth report	20 May 1988	-
Jamaica	Eighth report	5 July 1986	2
	Ninth report	5 July 1988	-

Table 2 (continued)

State party	Type of report	Date on which the report was due	Number of reminders sent
Afghanistan	Second report	5 August 1986	2
	Third report	5 August 1988	-
Chad	Fifth report	16 September 1986	1
	Sixth report	16 September 1988	-
Peru	Eighth report	30 October 1986	2
	Ninth report	30 October 1988	-
Trinidad and Tobago	Seventh report	4 November 1986	1
	Eighth report	4 November 1988	-
Democratic Kampuchea	Second report	28 December 1986	2
	Third report	28 December 1988	-
Nicaragua	Fifth report	17 March 1987	1
	Sixth report	17 March 1989	-
Sri Lanka	Third report	20 March 1987	2
	Fourth report	20 March 1989	-
Mauritius	Eighth report	29 June 1987	1
	Ninth report	29 June 1989	-
Jordan	Seventh report	30 June 1987	-
	Eighth report	30 June 1989	-
United Arab Emirates	Seventh report	21 July 1987	-
	Eighth report	21 July 1989	-
Mali	Seventh report	15 August 1987	-
	Eighth report	15 August 1989	-
Portugal	Third report	23 September 1987	-
Romania	Ninth report	14 October 1987	-
United Republic of Tanzania	Eighth report	26 November 1987	-
Barbados	Eighth report	10 December 1987	-
New Zealand	Eighth report	22 December 1987	-
Brazil	Tenth report	5 January 1988	-

Table 2 (continued)

State party	Type of report	Date on which the report was due	Number of reminders sent
Costa Rica	Tenth report	5 January 1988	-
Ghana	Tenth report	5 January 1988	-
Iceland	Tenth report	5 January 1988	-
India	Tenth report	5 January 1988	-
Kuwait	Tenth report	5 January 1988	-
Nigeria	Tenth report	5 January 1988	-
Pakistan	Tenth report	5 January 1988	-
Panama	Tenth report	5 January 1988	-
Poland	Tenth report	5 January 1988	-
Spain	Tenth report	5 January 1988	-
Venezuela	Tenth report	5 January 1988	-
Morocco	Ninth report	17 January 1988	-
Haiti	Eighth report	18 January 1988	-
Israel	Fifth report	2 February 1988	-
Nepal	Ninth report	1 March 1988	-
Madagascar	Tenth report	8 March 1988	-
Mexico	Seventh report	22 March 1988	-
Bangladesh	Fifth report	11 July 1988	-
France	Ninth report	28 August 1988	-
Australia	Seventh report	30 October 1988	-
Chile	Ninth report	20 November 1988	-
Netherlands	Ninth report	9 January 1989	-
China	Fourth report	28 January 1989	-

Table 2 (continued)

State party	Type of report	Date on which the report was due	Number of reminders sent
Italy	Seventh report	4 February 1989	-
Iraq	Tenth report	15 February 1989	-
Algeria	Ninth report	15 March 1989	-
Cuba	Ninth report	16 March 1989	-
Tonga	Ninth report	17 March 1989	-
Seychelles	Sixth report	6 April 1989	-
Senegal	Ninth report	18 May 1989	-
Maldives	Third report	28 May 1989	-
Luxembourg	Sixth report	1 June 1989	-
Austria	Ninth report	8 June 1989	-
Ethiopia	Seventh report	25 July 1989	-
Congo	Initial report	10 August 1989	-

3. Action taken by the Committee to ensure submission of reports by States parties

34. At its 859th meeting, the Committee reviewed the question of delays and non-submission of reports by States parties in accordance with their obligations under article 9 of the Convention.

35. The Committee decided to draw the urgent attention of the General Assembly to the list of overdue reports contained in table 2 above, requesting it to take appropriate measures and to urge the States parties concerned to submit their overdue reports as required under article 9 of the Convention as soon as possible.

36. The Committee further decided to request the Under-Secretary-General for Human Rights, during his personal contacts in Geneva and at Headquarters with the Permanent Representatives of the States parties concerned, to bring to their attention the problem of overdue reports and to urge them to intervene personally with their respective governmental authorities and to ensure submission of their overdue reports.

37. The Committee also authorized its Chairman to address personal letters, on behalf of the Committee, to the Ministers of Foreign Affairs of States parties to which 10 or more reminders have so far been addressed and to urge them to submit their overdue reports as soon as possible.

38. The Committee further decided to request the Secretary-General, in accordance with rule 66, paragraph 1, of its rules of procedure, to continue sending appropriate reminders to States parties from which two or more reports were due before the closing date of its thirty-seventh session but had not been received, asking them to submit their reports by 31 December 1989. The Committee agreed that the reminders to be sent by the Secretary-General should indicate that all their overdue reports could be submitted in one consolidated document by the proposed date. It also agreed that those States parties which had fulfilled their reporting obligations, should be requested to submit further comprehensive reports on every second occasion when the reports were due, i.e. every four years, and to submit brief updating reports on each intervening occasion when the reports were due under the Convention. States parties whose reports are overdue are listed in table 2 above.

39. In this connection, the Committee wished to recall once again that rule 66 of its rules of procedure provides that:

> "1. At each session, the Secretary-General shall notify the Committee of all cases of non-receipt of reports or additional information, as the case may be, provided for under article 9 of the Convention. The Committee, in such cases, may transmit to the State party concerned, through the Secretary-General, a reminder concerning the submission of the report or additional information.
>
> "2. If even after the reminder, referred to in paragraph 1 of this rule, the State party does not submit the report or additional information required under article 9 of the Convention, the Committee shall include a reference to this effect in its annual report to the General Assembly."

In accordance with paragraph 2 of rule 66, the Committee wishes to draw the attention of the General Assembly to the relevant information contained in table 2 above, as well as to the action taken by the Committee to ensure submission of reports by States parties.

40. The Committee wished to repeat once again a statement that it made at its first session 3/ and that was communicated to all States parties and to the General Assembly:

> "The Committee attaches great importance to these reports. It is unanimously of the view that, being a principal source of information, these reports provide the Committee with an essential element for discharging one of its most important responsibilities, namely, reporting to the General Assembly of the United Nations under article 9, paragraph 2, of the Convention."

B. Consideration of reports

41. At its thirty-seventh session, the Committee examined 49 reports submitted by 28 States parties under article 9 of the Convention. Three reports, from Denmark, Italy and Jordan, initially scheduled for consideration at the thirty-seventh session, were postponed to the thirty-eighth session at the request of the respective Governments. In addition, the Committee considered the eighth, ninth and tenth periodic reports of the Philippines. The Committee devoted 21 of the 34 meetings it held in 1989 to the discharge of its obligations under article 9 of the Convention.

42. In accordance with rule 64 of its rules of procedure, the Committee continued the practice, started at its sixth session, of requesting the Secretary-General to inform the States parties concerned of the dates on which their respective reports would be considered by the Committee. All the States parties whose reports were considered by the Committee, except Chad, Maldives, Niger and Tonga, sent representatives to participate in the examination of their respective reports.

43. At its thirty-seventh session, the Committee followed for the first time the system of country rapporteurs during its examination of reports submitted by States parties. This procedure had been decided upon at the thirty-sixth session, with a view to improving and streamlining the Committee's method of examination of reports. The Committee believes that the system of country rapporteurs has reduced the time for consideration of each State report and enhanced the dialogue with representatives of States parties. The Committee noted with satisfaction the fruitful dialogue it had developed with representatives of reporting States present at its meetings, and urged that all States parties should endeavour to send representatives when their reports were being examined.

44. The following paragraphs, arranged on a country-by-country basis according to the sequence followed by the Committee in its consideration of the reports of States parties, contain a summary of the views expressed, observations made and questions asked by the members of the Committee on the reports of the States parties concerned, as well as the substantive elements of the replies given by the representatives of the States parties present at the meetings.

France

45. The eighth periodic report of France (CERD/C/148/Add.3) was considered by the Committee at its 832nd and 833rd meetings, on 8 August 1989 (CERD/C/SR.832 and 833).

46. The report was introduced by the representative of the State party who emphasized the great importance that his country attached to the elimination of racial discrimination. Referring to new developments that had occurred since the submission of the report, he stated that an interministerial unit to combat racism had been established to work alongside the Advisory Committee on Human Rights. Furthermore, legislative provisions had been adopted, such as the Act concerning freedom of the press that prohibited attempts to justify crimes against humanity, the Act concerning publications for young people that had given the Minister of the Interior powers to prohibit the sale to minors of publications likely to incite racial hatred or discrimination, and a recent Act concerning the entry and residence conditions for aliens in France. Judicial decisions whose number varied little from one year to another reflected the will to interpret the law in such a way as to make racist acts widely punishable. Efforts to promote the integration of immigrants into the mainstream of society had been pursued, in particular, by negotiation of contracts between the State and regional authorities to facilitate the establishment of foreign communities in urban areas. With regard to developments in New Caledonia, he stated that, in August 1988, in consultation with the main political movements in New Caledonia, the Government had decided to implement a policy intended to redress the imbalances affecting the Melanesian community and, after a period of 10 years, to organize a referendum on self-determination. Among the various measures taken to the benefit of the Melanesian community were the readjustment of State investments to the benefit of the less developed provinces and the creation of the Consultative Customary Council and the Agency for the Development of Kanak Culture. Lastly, he stated that France participated in the struggle against apartheid and believed in the need for dialogue between all components of South African society; that France's aid to the black communities of South Africa had amounted to nearly 17 million francs in 1988; that assistance to the States members of the Southern African Development Co-ordination Conference (SADCC) had amounted to 4 billion francs since 1980; and that pressure was being brought to bear on the South African leadership through the restrictive measures adopted by the European communities.

47. Members of the Committee congratulated the French Government on its report, which had been prepared in accordance with the Committee's guidelines (CERD/C/70/Rev.1). They noted with satisfaction that the report sincerely admitted the existence of racial problems and described the efforts being made to deal with them and that the Government had endeavoured to provide answers to a number of questions that had been asked during the consideration of its previous report. They also welcomed the fact that French legislation was continuously being improved and that measures were being taken to mobilize public opinion in the struggle to overcome racial prejudice.

48. Members wished to receive statistical information on the ethnic composition of the population in French Overseas Departments and Territories and they wondered why, since 1973, the population in some of those Departments or Territories had decreased (Guadeloupe and Martinique) or increased to a lesser degree (Réunion), while in others it had shown a large increase (French Guyana, New Caledonia). They also wished to know which of those Departments and Territories were prepared for independence, what steps had been taken to protect and promote the human rights of

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their population, how their standard of living, health and medical care, as well as of educational facilities compared with that of metropolitan France, what the special status of the Amerindian population in French Guyana was, and whether following the disturbances in New Caledonia in 1987 the right to equal treatment before the tribunals had genuinely been applied to those favouring independence and to the defenders of the present status. In addition, further information was sought concerning the results of the "Living Together" campaign and on the statement made by the French Government according to which there was no recognition of national minorities in France.

49. With reference to the implementation of article 3 of the Convention, it was wondered why the French Government, which was seeking to combat racism, maintained commercial relations with South Africa.

50. With regard to article 4 of the Convention, members of the Committee wished to know whether acts of xenophobia, as committed by the National Front, were punishable under any provisions of Act No. 72-546 of 1 July 1972, whether the circular of the Minister of Justice of 8 February 1984 covered such activities, and whether any procedures of that kind had been instituted by a public prosecutor or private plaintiffs. In addition, it was observed that the controversial book by Salman Rushdie, "The Satanic Verses", had been published in France with the authorization of the French Ministry of Culture. In this connection, concern was expressed that this authorization might be interpreted as implying governmental support for the contents of the book. It was also inquired whether there was a law on blasphemy in France and, if so, whether it applied to all sections of the French population. One member also wished to receive information on alleged acts of unlawful use of force by police officers against Algerians.

51. With reference to article 5 of the Convention, members of the Committee wished to receive information on the results already achieved by the National Council for Regional Languages. With regard to the large number of refugees and stateless persons mentioned in the report, they wished to receive statistical information on the breakdown of that figure by country of origin and they inquired whether the 1951 Convention relating to the Status of Refugees also applied to Basques, and what was the interpretation given by the French authorities to the refugee status. Clarification was requested of the statement in paragraph 7 of the report that holders of a "resident's card" could engage in any professional activity. Further information was also sought concerning the number of aliens working without a permit and the extent to which classes were being taught to the migrant children in their respective languages and cultures of origin. Lastly, it was asked whether provisions of the Act of 1 July 1901, according to which any association that aimed at violating the integrity of the national territory and the republican form of government, were null and void, also applied to associations that sought to achieve independence by legal means, and whether there had ever been any organizations that promoted intolerance based on national origin.

52. With regard to article 6 of the Convention, members of the Committee wished to know whether the Mediator had already had occasion to take action in cases of racial discrimination. Observing that it was sometimes very difficult to state how effective the protection and remedies provided for under article 6 were, it was suggested that inquiries into their effectiveness might be carried out in connection with anti-racist organizations.

53. Replying to the various questions asked concerning the Overseas Departments and Territories, the representative of the State party said that the French Constitution provided for unrestricted exercise of the right to self-determination. In those Departments and Territories, pro-independence opinions were freely expressed and pro-independence parties and movements existed, although the idea of independence did not enjoy full majority backing. Freedom of expression was also fully guaranteed in those Departments and Territories, provided it was exercised in a lawful manner, which excluded any acts of terrorism. The situation in New Caledonia was quite different, inasmuch as the groups there that were calling for independence and those in favour of maintaining the territory within the institutions of the Republic were of comparable size. It was in order to take this situation into account that the French Government had made provision for a vote on self-determination to take place within 10 years. Referring to the acts of violence that had been committed in 1988, the representative pointed out that, under the referendum law of 9 November 1988, amnesty had been granted to the persons convicted following those events. Furthermore, the organization of the island's courts had subsequently been modified so as to avoid an excessive concentration in Nouméa of the administration of justice.

54. Replying to other questions, the representative noted that France had entered a reservation in respect of article 27 of the International Covenant on Civil and Political Rights in which it had declared that France was a country where there were no minorities. The Republic was one and indivisible and, while there might be some forms of regionalism, there was no nationalism other than French nationalism. The "Living Together" campaign, to which reference had been made, had now ended. It had led, *inter alia*, to the appointment of local mediators to settle the most pressing conflicts.

55. Turning to article 3 of the Convention, the representative said that the ban on new investment in South Africa was still in force, that the importation of South African iron and steel had been terminated and that coal contracts had not been renewed.

56. Referring to the points raised concerning article 4 of the Convention, the representative said that the National Front was a political party operating under the law but that the statements by its leaders and the press articles supporting its opinions could give rise to prosecution if they involved slander, racial insults or incitement to racial hatred. With respect to Salman Rushdie's book, he said that no permission was necessary to publish a book in France and that, consequently, there had been no approval of the contents of the book by the Government or by any of its members. Although there was no law against blasphemy in France, insults, slander and incitement to racial hatred were prohibited. In that connection, Muslim associations had lodged complaints against the author and the publisher of the book and it was for the courts to rule on the matter. He pointed out that the French police and French justice treated foreign nationals and French nationals in exactly the same way. Furthermore, the courts were automatically seized of any case where an act of violence was committed against a foreign national and where self-defence could not be invoked. In such cases police officers responsible for such acts were subject to disciplinary measures.

57. With respect to article 5 of the Convention, the representative said that France was making a major effort to guarantee the protection of regional languages and that in the case of some baccalaureate examinations the use of such languages was authorized. On the question of refugees, he said that the régime that had

succeeded that of Franco in Spain offered the necessary guarantees in respect of prosecution of offenders and it could therefore no longer be held that a Basque who had taken refuge in France met the criteria for political refugee status. Moreover, in accordance with article 1 of the 1951 Convention relating to the Status of Refugees, persons who had committed serious offences outside the host country were excluded from the scope of the Convention. That had been the reason for the expulsion of certain Basque terrorists to Spain. More generally, there had been 181,679 political refugees in France in January 1989, a large proportion of them being Cambodians, Laotians and Vietnamese. Referring to the question of employment of clandestine workers, the representative said that fines of up to 30,000 francs per offence could be imposed and guilty employers could be brought to court. Aliens holding a residence permit for 10 years could enter any profession except the civil service and professions subject to special regulations. However, any alien who obtained the necessary French qualification could work in the relevant profession.

58. The mother tongues of the children of immigrants could be taught in French schools outside normal school hours. Agreements on that subject had been concluded with Algeria, Morocco, Portugal, Tunisia and Yugoslavia. Arabic, Portuguese and Spanish could be studied by children over 12 as part of the regular school programme. Replying to questions concerning illegal associations, the representative said that the only associations that were banned were those impairing the integrity of the nation by acts of violence. That provision had been enforced against an association responsible for terrorist acts in Corsica. An organization of the extreme right proclaiming Nazi ideologies had also been dissolved under legislation concerning combat groups and private militias.

59. With reference to article 6 of the Convention, the representative said that the Mediator of the Republic dealt more specifically with disputes between private individuals and the administration. The National Commission for Immigrant Populations met several times a year under the chairmanship of the Minister for Social Affairs for the purpose of exposing any abuses committed by the administration.

Mexico

60. The sixth periodic report of Mexico (CERD/C/146/Add.2) was considered by the Committee at its 833rd meeting, on 8 August 1989 (CERD/C/SR.833).

61. The representative of the State party, in presenting the report, said that, under Mexican constitutional law, the Convention formed an integral part of the supreme law of the Mexican Federation and its application was consonant with one of the fundamental principles of the Constitution of the Republic of Mexico, namely, equality before the law. He said that racial discrimination was contrary to the culture, the system of law and the institutions of independent Mexico and he described in detail the juridical régime that had been established in Mexico to prevent any practices that might result in any form whatever of distinction, exclusion, restriction or preference for racial or any other reasons. The representative provided the Committee with information additional to that contained in the report submitted in 1986. He referred, in particular, to the recent developments relating to the protection of the indigenous populations in the States of Guerrero and Oaxaca. In conclusion, he said that notwithstanding the grave economic crisis that the country had been experiencing over the last six years,

Mexico was continuing to ensure respect for human rights and, in particular, to prevent any practice that might encourage any form of racial discrimination.

62. The members of the Committee thanked the representative of the State party for the additional information he had furnished in introducing the report and paid tribute to the determination with which the Mexican authorities were seeking to promote racial equality on Mexican territory and the candour they had shown in their dialogue with the Committee. However, they found the statement in paragraph 4 of the report that "in Mexico there is no racial discrimination" difficult to accept. Some clarification of that point was requested, particularly given the fact that there were 56 different ethnic groups in Mexico.

63. With reference to article 4 of the Convention, it was noted that in Mexican law racial discrimination was not treated as an offence; that ratification of the Convention by Mexico was not in itself sufficient to make racial discrimination an offence; that discrimination was not an offence because Mexico had not, after ratifying the Convention, taken the additional measures that were required, and that consequently Mexico had not fully satisfied the requirements of article 2, paragraph 1, and of article 6 of the Convention. Information was also requested concerning Mexico's plans for preventive measures against racial discrimination and any legislative measures recently taken in Mexico to implement the provisions of article 4 of the Convention.

64. With reference to the implementation of article 5 of the Convention, members of the Committee asked to what extent ethnic minorities could participate politically in carrying out municipal reform; what the fate was of 15 members of the indigenous communities who had been imprisoned without trial; and what measures had been taken to protect indigenous languages and, in particular, to enable representatives of ethnic minorities to use their own language before the courts. They also wished to know what special effort had been made to assist these minorities in the area of teaching and what was the percentage of higher posts in the administration or in the Mexican diplomatic service held by persons belonging to one or another of the minorities.

65. With reference to article 7 of the Convention, the question was asked whether Mexico had taken or intended to take appropriate measures to implement article 7 of the Convention and to combat any prejudices that might lead to racial discrimination, particularly in the areas of teaching and education.

66. In replying to the questions asked, the representative of the State party said that he could assure the Committee that the statement that racial discrimination did not exist in Mexico would be deleted; he explained that that sentence should be seen in the context of paragraph 4 of the report as a whole, from a reading of which it would be understood that racial discrimination did not exist from the legal standpoint. He assured the Committee that, in its seventh periodic report, the Government would answer all the questions asked during the Committee's consideration of the sixth periodic report. It would ensure that all the information sought was provided and it would take into account the comments made, particularly those relating to article 4 of the Convention.

Iceland

67. The ninth periodic report of Iceland (CERD/C/149/Add.17) was considered by the Committee at its 834th meeting, on 9 August 1989 (CERD/C/SR.834).

68. The report was introduced by the representative of the reporting State, who expressed concern at the circumstances that had made it difficult for the Committee to deal in a timely manner with the periodic reports submitted by States parties and hoped that measures could be taken to remedy that situation. He stated that with regard to his own country the delay in consideration of reports had had two consequences. Firstly, the information presented in its ninth periodic report was no longer up-to-date. Secondly, Iceland had considered it appropriate to delay submission of its tenth report, due in 1988. In so doing, his Government was inspired by the desire of the Committee to engage in a dialogue with States parties, without the benefit of which, and in the absence of adoption of additional legislative, judicial, administrative or other measures, the periodic reports would be devoid of content.

69. The representative of Iceland stated that, in accordance with Act No. 13 of 1987, the position of the Ombudsman of the Icelandic Althing, or Parliament, had been formally established and the information in section A of the ninth report was therefore no longer relevant. The Althing had laid down further rules for his office on 2 May 1988. He explained that the Ombudsman was responsible for supervising State and local governmental administration and safeguarding the rights of individuals and associations in their dealings with the administration. The competence of the Ombudsman did not extend to the activities of the Althing itself, nor to activities of the courts or matters to be decided by the courts.

70. He further explained that the Ombudsman could take up a matter in three ways. Firstly, he could act on the basis of a complaint by an individual or association; secondly, he could study a specific matter on his own initiative; and thirdly and more generally, he could act when he identified some defect in existing legislation or practice. The Ombudsman could conclude cases in three ways. Firstly, he could conclude a case when the respective institution corrected or satisfactorily explained the situation; secondly, he could present a report setting out his recommendations; thirdly, he could suggest that the matter should be referred to the courts. Where he identified defects in law, he could make representation to the ministry concerned or the Althing. He pointed out that while it was not yet possible to assess the effectiveness of the office, since it had been in existence for less than two years, it was already clear that the concern for the protection of human rights was one of its main priorities.

71. The representative of the reporting State said that article 233a of the Icelandic Penal Code was the only provision relating to article 4 of the Convention and that there was no provision in Icelandic law concerning article 3 of the Convention. With regard to the Committee's desire for information on Iceland's attitude towards the apartheid régime, he said that under Act No. 67 of 1988, the import into Iceland of goods originating in South Africa was prohibited, as was the export from Iceland of goods whose final destination was South Africa or Namibia.

72. As regards the Icelandic compulsory education system, he stated that at its most recent session the Althing had proposed certain changes in the system, but the necessary legislative work had not yet been completed; further information on it would be provided in future reports.

73. Members of the Committee welcomed the contribution by Iceland to further the elimination of racial discrimination in the world. It was noted that in previous reports Iceland had provided a detailed and comprehensive account of the legislation adopted to prevent discrimination and, in its eighth report, it had

also given the judicial and administrative measures taken in that respect. The Committee felt that in view of the time that had elapsed since the first report, it would be appropriate if the Government provided in its next report complete and updated information on the legal and other measures taken to comply with the guidelines of the Committee. Iceland was also requested to include in its next report information on the demographic composition of the country.

74. With regard to article 3 of the Convention, it was felt that the ninth periodic report did not fully respond to the questions raised by the Committee relating to *apartheid*. The report made no reference to the current status of the relations of the Government of Iceland with the Government of South Africa.

75. Members wanted to know whether the Icelandic Penal Code contained any provisions to deal with discriminatory treatment suffered by persons belonging to a particular ethnic group or country.

76. As regards article 14 of the Convention, the Committee wished to know the purpose and scope of the reservation made by the Government of Iceland.

77. In response to the questions of the members of the Committee, the representative of the reporting State said that Iceland's three most recent reports had been short, as no new legislative or administrative measures had been adopted. He stated that an overview of the current situation in Iceland would be included in the tenth periodic report. With regard to the demographic composition of his country, he said that the last figures submitted to the Committee were contained in the fifth periodic report and referred to the year 1974. He stated that updated information would be given in the following report.

78. The representative of Iceland reiterated his country's abhorrence of *apartheid*. He said that Iceland did not maintain diplomatic relations with South Africa, although it retained an Honorary Consul in Johannesburg. Travel to and from South Africa was not prohibited. His Government was actively involved in efforts to end the system of *apartheid* in South Africa and had imposed a trade embargo against South Africa in 1988, which represented a major policy decision.

79. In reply to the question relating to the provisions of the Icelandic Penal Code, he said that there had been no prosecutions under article 233a of the Code during the period under review, and information on the outcome of the application of that article would be provided in the following report.

80. Concerning the national education system, he stated that the tenth periodic report would contain information on the changes in the curriculum, which would be fully implemented by the time of its submission.

81. The representative stated that in 1988 the Ombudsman had received 67 complaints, 37 of them in the last 4 months of the year and had taken up 3 matters on his own initiative. He had begun a detailed analysis of Iceland administrative law with a view to proposing changes. As the post of Ombudsman had only been in existence since 1 January 1988, the following report would contain fuller information on developments in that situation.

82. He also stated that Iceland's reservation with regard to article 14 of the Convention was intended to prevent the same matter from being raised in various bodies. Iceland had accepted the right to petition under the European Convention

on Human Rights, the International Covenant on Civil and Political Rights, as well as under the International Convention on the Elimination of All Forms of Racial Discrimination, and the reservation was merely intended to avoid duplication. Iceland regarded its accession to those procedures as an important safeguard for human rights within the country.

Venezuela

83. The Committee considered the ninth periodic report of Venezuela (CERD/C/149/Add.18) at its 834th and 835th meetings, held on 9 August 1989 (CERD/C/SR.834 and 835).

84. The report was introduced by the representative of the State party, who said that Venezuela's regular compliance with reporting obligations had reflected a serious view of its responsibilities and its clear commitment to equality and fundamental freedoms for all individuals. Racial discrimination, he emphasized, did not exist in Venezuela and was totally alien to Venezuelans, who were egalitarian by nature and abhorred all forms of discrimination. Venezuelans were proud of their mixed racial origins and did not practice any form of racial discrimination, hence articles 2, paragraph 1 (a), (b), (c) and (d), 5 and 7 of the Convention were not applicable to Venezuela.

85. The representative gave a description of Venezuela's legal system and relevant legislation safeguarding respect for constitutional rights and providing the guarantees for their realization. He also provided further information on Venezuela's policy towards its indigenous populations, pointing out that members of the indigenous communities were full Venezuelan citizens with all ensuing rights and the policy had been designed to integrate them fully into national life.

86. He considered that the Committee's annual report to the General Assembly (A/40/18) reflected in paragraphs 561, 564 and 566 issues that were totally unrelated to the Convention's fundamental objective or contained requests for more information than was required under article 9 of the Convention. In that connection the representative stated that the Government of Venezuela did not believe that a sovereign State could be subjected to questioning about the implementation of its domestic legislation in respect of rights and obligations relating to its citizens or to aliens.

87. Members of the Committee commended the formal presentation of the report and the introduction by the representative of the reporting State, who had clarified a number of issues and provided a very broad basis for discussion and reflection not only on the information contained in the report but indeed on the role and aims of the Committee itself. In relation with the latter issue members were of the opinion that it was clear that a fundamental difference of opinion existed between the Committee and the Government of Venezuela. Accordingly, they gave further clarifications of the Committee's methods of work, the nature of State party obligations under the Convention and the reporting obligations of States parties in general, and those of Venezuela in particular.

88. Members commented at length upon two assertions in the report according to which there was no racial discrimination in Venezuela, and that Venezuela had ratified the Convention out of solidarity with other States (para. 8 of the report).

89. Concerning the application of articles 2 and 5 of the Convention, members congratulated Venezuela on its policy towards indigenous populations and formulated a number of questions on that subject. They wished to know, inter alia, what had become of the 19 groups that had not participated in the bilingual programme; whether the Venezuelan Government was aware that other Latin American countries had recently abolished a language examination in Spanish as a requirement for registration as an elector in order to comply with article 5 (c) of the Convention; how many indigenous people had participated in the decisions referred to in paragraphs 24 and 25 of the report; and how many indigenous people were involved in the National Agrarian Institute. They expressed the hope that Venezuela's next report would provide more information about the right of indigenous people to vote and to stand for election, and about the number of indigenous Venezuelans who became office-holders.

90. With reference to article 3 of the Convention, members congratulated Venezuela on its position regarding apartheid in South Africa.

91. With regard to article 4 of the Convention, it was noted that there was no progress or change in Venezuela's position. Venezuelan law still did not recognize acts of racial discrimination as offences punishable by law and consequently the conclusion could be drawn that Venezuela had not complied with article 4 of the Convention. It was pointed out that, even if, as stated by the Government, no racial discrimination existed in Venezuela, that did not absolve Venezuela from complying with the compulsory provisions of article 4 of the Convention, under which a State's domestic law must include provisions to punish racial discrimination in the event of its occurrence. In this connection, members of the Committee, without detracting from the importance of the need to comply with article 4 of the Convention, pointed out that Venezuela was not the only country that had problems with this article, and that the Committee had made these comments to many other States parties. It was also mandatory for Venezuela to submit a report showing that it was complying with articles 2 to 7 of the Convention. In addition, it was asked which judicial organs were competent to deal with cases of racial discrimination.

92. As far as article 14 of the Convention was concerned, members wished to know whether Venezuela had been preparing to make a declaration under that article, recognizing the competence of the Committee to receive and consider communications from individuals or groups of individuals claiming to be victims of a violation of their rights, and whether the Venezuelan authorities had received a petition submitted to them by a particular indigenous group, and if any action had been taken in connection with it.

93. The representative of the reporting State, in his reply to questions raised and observations made by the Committee's members, stated that the indication that Venezuela had acceded to the Convention out of international solidarity should be understood in a broader context, namely, that this statement had been made in order to reaffirm the existing legal position on racial discrimination. In that regard, he drew attention to the last paragraph of the report, which stated that the undertaking entered into by Venezuela under the Convention must be construed as confirming its repudiation of racial discrimination and apartheid and as an expression of support for peoples struggling against those social evils. One of the reasons, he pointed out, why Venezuela had acceded to the Convention was its desire to express its solidarity with those peoples.

94. The representative emphasized that the Venezuelan Government was well aware that it had to provide the Committee with information and would continue to do so. However, if the Government felt that some questions raised during meetings of the Committee went beyond the requirements of article 9 of the Convention, they would remain unanswered.

95. In reply to the questions concerning indigenous communities, he said that all Venezuelans, whether indigenous or not, enjoyed the same rights and privileges. If the Venezuelan State had taken certain measures to protect some population groups, that was motivated by its belief that it had to give them special protection.

96. With regard to the application of article 4 of the Convention, he said that no time-limit had been fixed for the obligation provided for in article 4 (a). In that connection, he pointed out that the Venezuelan executive branch of government had indicated to the legislative branch that the Penal Code, which was being revised, ought to include provisions that would satisfy the requirements of article 4 (a) of the Convention.

97. The representative said that he had taken note of the Committee's statement to the effect that Venezuela had not honoured its obligations under article 4 of the Convention, since that was a serious allegation, which he would bring to the notice of his Government.

98. In reply to the questions concerning article 5 of the Convention, the representative of the State party stressed that the rights mentioned in that article were, among others, protected in Venezuela not only by the Constitution but also by all the legal mechanisms, such as amparo, which had been introduced to ensure that the rights of citizens were respected. Those rights were exercised without any racial or other form of discrimination. In that context, referring to the situation of indigenous populations, he indicated that, in paragraph 13 of the report, it was more a question of the "gradual integration" of the indigenous communities; the Venezuelan Government was endeavouring to reconcile the need to integrate those communities in national life with the need to protect their traditional way of life.

99. As for article 14 of the Convention, the representative stated that, in Venezuela, citizens had all the legal machinery necessary to make use of their rights and constitutional guarantees against abuse of authority or any other infraction. The right of amparo also existed, and Venezuela did not therefore consider it necessary to make such a declaration. With reference to the petition that had been mentioned, he said that the letter in question did not concern a matter of racial discrimination; it dealt with a violation committed by a land-owner that was not necessarily motivated by racial prejudice.

Madagascar

100. The ninth periodic report of Madagascar (CERD/C/149/Add.19) was considered by the Committee at its 835th meeting, on 9 August 1989 (CERD/C/SR.835).

101. The report was introduced by the representative of the State party, who emphasized that the Malagasy legislature was endeavouring to translate the principal provisions of the Convention into norms of national law, taking into account the Committee's comments.

102. Members of the Committee welcomed the report of Madagascar, which had been prepared in accordance with the Committee's guidelines (CERD/C/70/Rev.1). In general, questions were asked concerning the situation of the Indo-Pakistani and Chinese minorities, particularly after the race riots that had occurred in February 1986.

103. Members of the Committee observed that the stipulations of article 4 of the Convention had been only partially incorporated into Malagasy law and, in that regard, they wished to know whether the provisions of the new Penal Code, apart from those concerning press offences, would be filling gaps in the existing legislation.

104. With regard to article 5 of the Convention, members of the Committee, noting that the relevant provisions of the Constitution covered only some of the rights mentioned in that article, requested additional information concerning exercise of the right to vote and the development of social legislation in Madagascar. They also inquired whether the current revision of the Code of Criminal Procedure aimed at simplifying it might not lead to the elimination of certain safeguards concerning rights of defence.

105. In reply to the questions raised by members of the Committee, the representative of the State party acknowledged that problems of cohabitation among ethnic groups could arise in Madagascar. However, the causes of the race riots that had been referred to were of an economic rather than a racial nature and the Malagasy authorities had assumed their responsibilities and had protected the minorities in question. Most members of the Indo-Pakistani minority had remained in Madagascar, where they were continuing to play an important role in the economy. Moreover, there were legal weapons to prevent a recurrence of such disturbances.

106. With regard to article 4 of the Convention, he confirmed that the Malagasy legislature had given much attention to press offences in the past, with a view to protecting national unity from arguments liable to exacerbate tribalism and instigate ethnic divisions. However, censorship had been abolished and the legislature would henceforth be seeking a solution that would adequately meet the requirements of article 4.

107. Concerning article 5 of the Convention, he pointed out that, with the exception of persons who had forfeited their civic rights, no one was prevented from exercising his right to vote and the right to work was fully guaranteed by the Constitution, even though its application in practice was liable to encounter difficulties. The reform of the legal system, which had been undertaken owing to the complexity of the existing system, had not been completed, since the question of the system of joint liability was still being debated and had not yet been settled.

108. In conclusion, the representative of the State party said that the questions to which he had been unable to reply would be duly answered in future reports.

Poland

109. The ninth periodic report of Poland (CERD/C/149/Add.20) was considered by the Committee at its 836th meeting, held on 10 August 1989 (CERD/C/SR.836).

110. The report was introduced by the representative of the State party who stressed that the basic legal provisions contained in the report remained unchanged. Of the recent changes in the country's legal system, he stated that the most significant were the establishment of the Constitutional Court in January 1986, the extension of the competence of the Supreme Adminstrative Court and the common courts, and the establishment in July 1987 of the post of Spokesman for Civic Rights, comparable to the institution of Ombudsman in other countries.

111. The representative pointed out that in April 1989 the Polish Parliament had adopted a new Law on Associations, creating better conditions for full implementation of some of the rights contained in article 5 of the Convention, and ensuring to all citizens equal right to participate in the public life of the country and to set up associations of their own choosing. Although this new law did not apply to trade unions, churches and religious organizations, the Parliament had also adopted an act amending the Trade Union Act of 1982 and a new act on trade unions of farmers, which developed the principle of trade union pluralism. The representative listed the total number of churches and religious denominations officially recognized in Poland, including the Roman Catholic Church, to which 90 per cent of the population belonged, 34 other Christian churches, and 11 non-Christian religious denominations.

112. Members of the Committee congratulated the State representative on the report and the detailed information provided in his introductory remarks. It was stated these sources indicated that articles 1, 4 and 6 of the Convention were being adequately implemented, and the report had attempted to answer questions raised by the Committee in accordance with the guidelines.

113. Questions on the eighth periodic report of Poland that had remained unanswered were raised again. Detailed information had been sought on the current situation of all minorities, and the steps taken to preserve their cultural identity, on the language of the gypsies, on the status of Jews and migrant workers, and on a breakdown of the composition of the 70,000 members of ethnic groups. Information had also been requested on the percentage of minority teachers and whether special schools existed for their training and for that of minorities for other professions. Doubt was expressed on the statement made during the discussion of the previous report that a minority group of German origin did not exist in Poland. Recent statistics suggested that over 200,000 people claiming to be of German origin had left Poland for the Federal Republic of Germany, since 1986, and this number had been increased during the first half of 1989.

114. Turning to the ninth periodic report, members asked for information on the Government's policy on a market economy, the status given to the public and private sectors, and whether the Government would grant subsidies on farm products.

115. Referring to specific articles of the Convention, members requested, in connection with article 2, that the relevant sections of the proposed changes in the Constitution be sent to them. Clarification on the composition and methods of work of the new Parliament was also requested.

116. Noting that Poland has no diplomatic relations with South Africa, members wished to know, with regard to article 3 of the Convention, whether Poland made any contribution to the United Nations Trust Fund.

117. With reference to article 5 of the Convention, members asked for detailed examples of cases considered by the recently-established post of Spokesman for Civic Rights.

118. Mention was made of the legislation passed by the Polish Parliament treating certain crimes against public order as misdemeanors or felonies, and members asked whether the relevant law was still valid, how many people had been punished under it, and whether in the case of a felony the accused had the benefit of a defence counsel.

119. Clarification was requested of the term "to the detriment of the interests of the Polish People's Republic" mentioned in the report in connection with deprivation of citizenship. Members also wished to know whether the provisions governing basic civil rights were being reviewed under the new régime.

120. It was asked whether the Government was considering providing subsidies to minority religious groups who find it difficult to maintain their places of worship and train their clergy, and whether the restrictions on contact between orthodox believers and their religious brethren in the Soviet Union could now be relaxed.

121. Members asked whether the Government of Poland would further revise the law on associations and clubs to eliminate the social utility criterion routinely used to prevent the forming of new clubs and associations.

122. Information on the acute housing shortage in Poland was sought, especially as the right to housing was among the rights guaranteed by the Polish Constitution.

123. Members asked whether the 1982 Higher Education Act would be repealed, which at present empowers the Minister of Science to approve all candidates for university rectorships and other high offices before the names of such candidates could be submitted to the university senate for election.

124. Finally, members asked whether the Government of Poland was considering withdrawing its reservation to article 22 of the Convention, relating to access to the International Court of Justice in the event of a dispute between States Parties on the interpretation of the Convention.

125. In response to questions raised by members of the Committee, the representative stated that Polish citizens of non-Polish origin constituted 1.5 per cent of the entire population; these included Ukrainians, Russians, Czechoslovakians, Slovaks, Lithuanians, Jews and Greeks, all of whom had their own organizations and published their own periodicals. There were also groups that promoted gypsy culture. Many radio stations broadcast programmes in the language of the minority groups, and there were schools where children could learn their native language. There were no special schools to train minority teachers. Regarding the question of Polish citizens of German origin, he said that the question was a complicated one, having its origin in many legal and economic factors, and the departure of these people from Poland had been as a result of a post-war decision by the Allied Powers and later agreements that had been reached between the Federal Republic of Germany and Poland.

126. The representative confirmed that the Government intended to introduce a market economy. A law enacted in December 1988 had introduced freedom of economic activities regardless of ownership and had given the private sector equal status

with the public sector. Subsidies on some food items were still maintained, but had been abolished on others.

127. Responding to questions on article 2 of the Convention, the representative said that amendments to the Constitution were designed to change the structure of the supreme authority in Poland, provision had been made for the introduction of the office of President, and the autonomy of the judiciary had been increased. Work on the new Constitution was scheduled to be completed in 1991.

128. In reply to questions on article 5 of the Convention, he said the difference between misdemeanours and felonies lay mainly in the penalties imposed, the latter incurring higher fines and longer prison sentences. The law on such offences was still valid; however, if the accused person did not agree with the sentence imposed he could appeal to an ordinary court and normal procedures would then be followed.

129. Regarding the question on deprivation of citizenship, he said this referred to acts of treason or spying. He did not have documents on this interpretation but would try to provide them. He stressed that the 21,000 aliens in the country had the same rights as Polish citizens, except for electoral rights.

130. Turning to questions on religious minorities, he said that, owing to the separation of Church and State, the Government did not provide subsidies to churches, but the State did provide funds for the renovation and maintenance of church buildings of historic value. There were no limitations placed on contacts between Orthodox believers and their religious brethren in the Soviet Union, and similar contacts were envisaged between Roman Catholics in both countries. He stated that all religious groups were equal in the eyes of the law. Although State laws concerning marriage and divorce had to be respected, within those limits people were free to follow their religious traditions. There were religious schools and publishing houses in Poland, as well as two religious universities.

131. The representative declared that housing was one of the most difficult problems in the present economic and social life of the country. Unfortunately, during the 1980s the number of constructions had decreased, although their quality had improved. In 1984, however, the Parliament had adopted a special resolution on housing policy up to 1990, and every effort was being made to implement that resolution.

132. Regarding the law on the filling of university posts, he stated that the university senate designated two or four candidates for the post of university rector for consideration by the Minister for Education, who had the right to object to any of the candidates. The possibility of repealing the law and giving wider autonomy to universities had been widely discussed, and may lead to a new law being adopted.

133. Regarding his country's reservation to article 22, the representative said that the withdrawal of both this and similar reservations to other international human rights instruments were being considered by the Parliament; although it was difficult to predict the outcome, there was a positive feeling in the country on the adherence to the compulsory jurisdiction of the International Court of Justice.

Norway

134. The eighth and ninth periodic reports of Norway (CERD/C/132/Add.5 and CERD/C/152/Add.4) were considered by the Committee at its 936th meeting, held on 10 August 1989 (CERD/C/SR.836).

135. The representative of the reporting State, introducing the reports, emphasized the importance attached by his country to the reporting system, which enabled it to maintain the awareness of its obligations in the legislative and administrative areas. He highlighted some relevant new developments relating to the implementation of the Convention's provisions and in particular informed the Committee that the proposed constitutional provision concerning the legal status of the Sami people had been adopted by the Parliament on 21 April 1988; the bill concerning the establishment of a new central Sami organ (Samitinget) and some other questions concerning Sami policy, was also adopted by the Parliament on 12 June 1987; and the new Aliens Act was expected to enter into force in the beginning of 1990. A description was given of measures taken by Norway, unilaterally or together with other Nordic countries, against South Africa.

136. Members of the Committee commended the high quality of the two reports and expressed their appreciation to Norway for its record on human rights and the assistance it had given to national liberation movements and victims of racial discrimination.

137. Referring to article 2 of the Convention, members wished to have more information on the Liaison Committee, on the role to be played by the Immigrant Council, on the situation of the southern Sami people, who had lost many reindeer as a result of fall-out from the Chernobyl nuclear accident, and on the real difference in status between the Sami people and other Norwegians.

138. As far as article 3 of the Convention was concerned, members praised Norway and other Nordic countries for the action they had taken to combat the *apartheid* régime and sought further information on the penalties for those who flouted the ban on the sale of Norwegian petroleum to South Africa, and on the Programme of Action against *Apartheid* adopted by the Nordic countries. They wished also to know whether Norway maintained diplomatic contacts with South Africa.

139. With regard to article 4 of the Convention, it was noted that the information given in annex II to the eighth report, with specific examples of acts regarded as racially discriminatory and consequently punishable under criminal law, was most useful in enlightening the Committee on practical action taken to combat racial discrimination. With reference to the judgements described in that annex, it was asked whether those concerned could appeal against such decisions and whether they had in fact done so. The opinion was expressed that the description of the application of article 4 of the Convention in Norway had been excessively brief. It was enquired whether there was a possibility of government subsidies to the Press being withdrawn in cases where it had defended racial discrimination.

140. Additional information was sought on the implementation of article 5 of the Convention. In particular, members wished to know whether there had been any cases in Norway of racial discrimination against European or American immigrants with regard to employment or housing or whether such discrimination had been practised only against such immigrant minority groups as Pakistanis, Vietnamese, Turks and

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Africans; what was the real participation of Sami in the political life of the country, and what was the general educational level of the Sami people.

141. As far as article 6 was concerned, members asked what remedies were available in Norway if the right to housing or employment was refused on racial grounds, and whether they were effective. With reference to the information contained in annex II of the eighth periodic report, it was suggested that the Government of Norway should publicize more widely the United Nations Declaration and the International Convention on the Elimination of All Forms of Racial Discrimination.

142. The representative of the reporting State, replying to the questions raised by the Committee in relation to article 3 of the Convention, stated that Norway had no diplomatic relations with South Africa; it did have a Consulate-General in Cape Town staffed by two career diplomats, but their presence in no way implied support for the apartheid system. The description of their functions was given. Referring to the question about penalties for tankers freighting crude oil to South Africa, he said that there had been no evidence that Norwegian ships had violated the Boycott Act of 1987 since its entry into force.

143. With regard to the questions raised in connection with article 4 of the Convention, he stated that the previous reports had dealt with the scope of the relevant provisions of the Penal Code (sects. 135 and 349) and with the ways in which article 4 was being implemented, which explained the brief statement in paragraph 37 of the eighth report.

144. Replying to questions raised in connection with article 5 of the Convention, the representative of Norway stated that cases in which the press had overstepped the boundaries laid down by the Press Council in respect of racist materials were very few and, as far as he was aware, there had been no instances of withdrawal of subsidies, although in principle the publication of illegal utterances might well have a bearing on the granting of subsidies. He said that the detailed information on the Press Council had been given in previous reports; there was no systematic control by the Council, but in general it took action on the basis of complaints against the publication of discriminatory material. Turning to the question about possible discrimination against European or American as distinct from Asian or African immigrants, the representative said that the obvious point of departure was that any kind of racial discrimination was prohibited and punishable under section 135 (a) of the Penal Code. In practice, he added, to the extent that such incidents did occur, discriminatory utterances would be more likely to be directed towards people whose appearance differed from that of the local population, although it could not be said for sure that a distinction was drawn specifically between Europeans and Americans on the one hand, and persons from other parts of the world on the other.

145. On the question of the educational level of the Sami people, he said that there were, of course, Samis with a university education who played a leading role in intellectual circles, but there was a perceived problem of motivation among young Samis to pursue their studies, which called for a solution by the competent authorities. The representative specified that Sami language was taught in schools in areas populated by the Sami people and that the Government was currently working on a draft Sami-language bill to increase the use of the Sami language, including its extended use in the administration and the courts. That language was already used widely in the courts in Sami areas through interpreters.

146. As for the Liaison Committee referred to in paragraph 21 of the eighth report, the representative said that its mandate had been extended until 1992, at which point it would become an Immigrant Council, which would consist only of representatives of immigrants advising the Government on immigrant issues.

147. As to the implementation of article 6 of the Convention, especially in regard to the right to housing and employment, the representative pointed out that a distinction should be drawn between public and private sectors. In the case of both housing and employment, the unwritten principle of equality and non-discrimination applied, and any victim of a discriminatory decision could go to court if such a decision had been based on illegal grounds. In the private sphere, legal provisions in various fields would provide the necessary guarantees. Where employment was concerned, he said they would include binding rules in such matters as the working environment, leave or unfair dismissal, including section 410 of the Penal Code providing for penalties in the event of illegal dismissal or refusal to accept a person into employment. In the case of housing, it would be necessary to turn to specific legal provisions, such as the Rent Act, for protection against unjustified eviction. However, he added, in the case of the sale of property, those guarantees might be partly offset by the principle of contractual freedom.

Egypt

148. The eighth and ninth periodic reports, submitted in one document (CERD/C/149/Add.22), and the tenth period report of Egypt (CERD/C/172/Add.12), were considered by the Committee at its 837th meeting, on 11 August 1989 (CERD/C/SR.837).

149. The reports were introduced by the representative of the State party, who emphasized that according to article 40 of the Constitution all citizens were equal before the law in regard to their rights and obligations, without any discrimination on grounds of sex, origin, language, religion or belief. He added that the Convention had become an integral part of Egyptian law from the date of its ratification, that any of its articles could be invoked in courts, and that legislative and administrative measures had already been promulgated to give effect to most of the provisions of the Convention. With regard to article 3 of the Convention, he stated that Egypt had consistently supported all international efforts aimed at the elimination of racial discrimination, particularly the *apartheid* system in South Africa, and that in 1989 it had hosted a conference as a part of a series of meetings held for the purpose of granting independence to Namibia. In connection with article 7 of the Convention, he emphasized the importance attached by Egypt to education and the dissemination of information as well as to the mobilization of public opinion for the elimination of racial discrimination.

150. Members of the Committee took note with satisfaction of the reports submitted by the Government of Egypt and commended the representative of the State party on his presentation. It was observed with satisfaction that the reports contained replies to questions raised by the Committee during the consideration of the previous report. Members also wished to receive clarification of the sentence in the report (CERD/C/149/Add.22) according to which no cases concerning damages resulting from racial discrimination as defined in paragraph 1 of the Convention had been heard or adjudged by the Courts. It was asked whether there were ethnic or linguistic differences in Egypt, whether all traces of colonialism had been totally eradicated, and whether Egyptian legislation recognized the existence of minorities. In the latter connection, additional information was sought regarding

the composition of the population, and the situation of a number of minorities, such as those of the oasis of Bere-Bere, and of Armenian and Greek origins. Further information was also sought regarding migrant workers and, in particular, on Sudanese who entered the country as labourers and domestic servants and any Israelis living in Egypt.

151. Members congratulated the Government on its implementation of article 3 of the Convention and, in particular, on its policy with regard to the South African régime.

152. With reference to article 4 of the Convention, members of the Committee wished to know what laws could be invoked and what sanctions could be imposed against racially discriminatory practices. In this connection, it was observed that articles of the Penal Code mentioned in these reports referred mainly to crimes against religious activities. In that regard, it was inquired why attacks on religious symbols rather than attacks on individuals were punished by the law, whether equally severe penalties were provided for in cases of racial discrimination and whether the Government intended to introduce more precise legislation to prevent racial discrimination. In this connection, members of the Committee felt that Egypt had still not fully complied with article 4 of the Convention. It was also suggested that the next report might include information on a number of decisions taken under the said legal provisions.

153. With regard to article 5 of the Convention, members of the Committee wished to receive additional information on the right to freedom of association and, in particular, on public charities. Clarification was sought of the sentence in paragraph 33 of the report (CERD/C/149/Add.22) according to which the legislator's purpose in prohibiting the exploitation of religion for the establishment of political parties was to prevent the nation from being split into racial groups. Furthermore, information was sought on the interaction between political and religious activity and, in that regard, it was asked who defined the limits within which religion functioned and to what extent there were restrictions on the freedom of religion. It was further inquired whether there were any refugees in Egypt and, if so, what their status was, to what extent labour unions were excluded from political activities, and whether over-concentration in large cities in Egypt had led to any measures restricting the enjoyment of the freedom of movement.

154. In connection with article 7 of the Convention, members of the Committee wished to receive additional information on measures adopted in the fields of education, culture and information with a view to combating racism and racial discrimination.

155. In response to various questions about minorities, the representative of the State party emphasized that the Egyptian legal system was based on national unity, that Egypt was a homogeneous society and that its people only spoke one language. He said that his country had no particular minority whose rights might be denied. Since there was more than one religion, that was, therefore, the only aspect covered by Egyptian law. As concerns specific references to people living in several oases or to Greek and Armenian minorities, he stressed that if the individuals concerned were Egyptians, there was no restriction against them in any respect. He also stated that owing to the economic situation many of the migrant workers, in particular Sudanese, had left the country, that there were Jews in Egypt who practised their faith in synagogues, and that there was no discrimination based on national origin or language.

156. Replying to questions raised in connection with article 4 of the Convention, the representative of the State party stated that Egyptian laws, even if they specifically referred to religion, were wide enough in scope to cover any form of discrimination. He nevertheless agreed that it was important for the Penal Code, which was in the process of being amended, to include specific references to racial discrimination. He added that penalties were applied to persons who insulted or stirred up hatred of a religious symbol because they were thereby stirring up hatred of a group belonging to a different religion. Lastly, he recalled that the Convention itself could be invoked before Egyptian Courts.

157. With regard to article 5 of the Convention, the representative referred to the sentence in the report relating to the prohibition of the exploitation of religion for the establishment of political parties and explained that its purpose was to avoid the division of the nation on any basis. He further stated that everyone could practise his religion as he wished without interference. Labour unions were not supposed to take part in the formation of political parties, but there was no restriction on demands by unions for better conditions of work. He added that political parties had to seek to achieve their objective by peaceful and democratic means. With regard to the status of charities, he stated that applications had to be made to a Committee under the Ministry of Social Affairs and that the Government's decision could be overruled by the courts. Concerning refugees, he stated that Egypt was party to the 1951 and 1956 Conventions, that there were very few refugees in Egypt and that Egypt had always followed a consistent policy of granting asylum to asylum-seekers. Lastly, he emphasized that there was no restriction on freedom of movement. Rather, an attempt was being made to create jobs in the countryside, decentralize industry and provide throughout the country those facilities which attracted people to capital cities.

158. With reference to article 7 of the Convention, the representative of the State party explained that instruction was being given on the Convention itself as part of humanitarian law in law schools, police academies and various other institutions interested in international and legal matters.

Austria

159. The seventh and eighth periodic reports of Austria, submitted in one consolidated document (CERD/C/158/Add.1), were considered by the Committee at its 837th meeting, held on 11 August 1989 (CERD/C/SR.837).

160. The report was introduced by the representative of the State party who said that it was intended to be a comprehensive report, but that he would provide any further clarification sought by the Committee, either verbally or in the next periodic report.

161. In welcoming the report, members wished to know why, despite the country's Constitutional Law on the implementation of the Convention, the report stated that it was not directly applicable in Austria. Details of particular rights granted to or obligations imposed on Austrian nationals were also requested.

162. With reference to article 2 of the Convention, members wondered whether there could be real equality of treatment for a person seeking a position if he were unable to speak the language of the country. They asked what steps had been taken, or envisaged, by the Government to ensure equality of ethnic minorities with other Austrians.

163. Turning to article 3, members wished to know whether Austria maintained diplomatic relations with South Africa; they also asked for details of the commercial relations existing between the two countries, and if such relations had increased or decreased in recent years.

164. In regard to article 4, further details on the implementation of this article of the Convention were requested. Members asked if neo-Nazi associations were allowed to be formed in Austria, and if the Government had taken any special measures to prevent the creation of such associations.

165. With specific reference to article 5, members requested information on migrant workers, and whether the Government supported their families, particularly in the field of education. It was asked whether dual citizenship was allowed in Austria, and how this affected the various minorities in the country. Members wished to know whether specific guarantees to the right to work existed in the Constitution. The question was raised as to whether the Government organized seminars to make young people aware of the need to respect human rights and to combat racial discrimination.

166. Under article 6, it was asked whether the Ombudsman could only be approached after all legal remedies had been exhausted. Clarification was sought on whether the Ombudsman was empowered to deal with complaints made against private employers or individuals, and if penalties were imposed for refusal to provide the Ombudsman with relevant information. Information was requested in the next periodic report on the effectiveness of the Austrian system of legal protection and the accessibility of legal remedies to all citizens.

167. Responding to questions raised by members of the Committee, the representative stated that the provisions of the Convention were not directly applicable in domestic law, but the relevant Constitutional Law adopted in 1973 enabled the Convention to be invoked before the courts or administrative authorities. On the question of specific rights and obligations imposed on Austrian nationals, the representative mentioned the obligation to undertake military service, which was not applicable to foreigners.

168. With reference to questions on article 2, the representative pointed out that the Ethnic Groups Act of 1976 safeguarded the rights of non-German ethnic groups. Such groups had the right to use their native language, and facilities for education in native languages were provided to them by local authorities, although most members of these groups recognized the need to learn German for daily living. A council representing the Hungarian group had been established, one for the Slovene group was imminent and one for the Croat group was planned. These councils were designed to advise the Government, particularly with regard to subsidies for ethnic cultural activities.

169. Responding to questions raised under article 3, the representative said that Austria's policy towards South Africa was in line with that of the United Nations Security Council. Austria maintained diplomatic relations with, and had an embassy in, South Africa. He pointed out, however, that commercial relations with South Africa were discouraged by the Government but, as Austria had a free market economy, the State had to respect certain limits and could not interfere in economic relations between private enterprises.

170. With reference to questions on article 4, he pointed out that Austria's implementation of provisions of this article had been adequately covered in its sixth periodic report. Regarding neo-Nazi associations, the representative pointed out that all activities based on neo-Nazi ideology were prohibited under a law passed in 1945. A constitutional court had recently ruled that such associations had no legal status, and were not entitled to buy property or participate in elections. He acknowledged the existence of extreme right-wing groups in the country, but said that such groups were small in number and were totally without political influence.

171. On questions relating to article 5, the representative said that nearly 70 per cent of migrant workers came from Yugoslavia, with Turks forming the second largest group. He explained that all foreigners needed a permit to work in Austria, which are given by employers wishing to employ foreign workers, who are required to provide them with suitable housing. Foreigners permanently employed in the country were treated in the same way as Austrian nationals with regard to wages. Education in their native language was provided for the children of foreign workers, and they were also taught the German language. Dual citizenship was not recognized in Austria. The representative said the right to work was a complicated matter, as in a free market economy the State could not guarantee work for all, but Austrian legislation had granted the right to unemployment benefits to foreign workers as well as to nationals and set standards for working conditions. He added that the country's unemployment rate was 4 per cent. He was not aware of any seminars for young people on the theme of combating racial discrimination.

172. Regarding questions raised under article 6, the representative declared that the Ombudsman was competent to examine complaints against administrative authorities even if all legal remedies had not been exhausted, for it was possible to waive the right to such remedies and submit a case directly to the Ombudsman. He stated that the Ombudsman's competence did not extend to dealing with complaints against private employers or individuals. The representative declared that Austria's system of legal protection was highly effective and legal aid was readily available to those who could not afford to engage in legal proceedings.

Maldives

173. The initial and second periodic reports of the Maldives (CERD/CE/125/Add.1 and CERD/C/152/Add.1) were considered by the Committee at its 838th meeting, held on 11 August 1989, without the participation of a representative of the reporting State (CERD/C/SR.838).

174. The Committee regretted that there was no representative of the reporting State to take part in its proceedings. Remarks made by members of the Committee were, of necessity, brief since neither of the reports followed the guidelines on the form and content of reports, nor did they contain all the information stipulated in article 9, paragraph 1, of the Convention.

175. Clarification on general conditions within the country was requested, and members wished to know whether the Convention could be invoked before, and directly enforced by, the courts, other tribunals or administrative authorities.

176. Noting that the population had increased by 80 per cent since 1966, they asked whether this considerable increase was due to a high birth-rate, or whether

it was caused by immigration; in the latter case, details concerning countries of emigration were sought.

177. Although the initial report claimed that racial discrimination did not exist in the Maldives, members requested that information on the implementation of article 4 of the Convention should be provided by the State party in its next periodic report, particularly since the invasion of Malé by foreign mercenaries in November 1988 demonstrated that specific provisions to punish all forms of racial discrimination were necessary, even in a racially harmonious society. Incitement to racial hatred and discrimination could be brought into the country from outside, especially since Malé was visited by a great number of tourists each year.

178. In so far as sufficient information on article 3 of the Convention had been provided in the initial report, members wished to draw the attention of the Maldives, in particular, to the relevant information required under articles 2, 4, 5, 6 and 7 of the Convention. They also requested the Government to forward in its next report the texts of legislation enacted in the country that were relevant to the implementation of those articles of the Convention.

179. Finally, members inquired whether laws and regulations enacted under the Sultanate had been revised in order to amend, rescind or nullify possible discriminatory elements that might arise in the future.

Chad

180. The fourth periodic report of Chad (CERD/C/114/Add.2) was considered by the Committee at its 838th meeting, held on 11 August 1989 (CERD/C/SR.838), without the participation of a representative of the reporting State.

181. Members emphasized the importance of having the participation of a representative of the reporting State when the report was being considered, and regretted the fact that the State concerned was not represented at its meeting.

182. Members observed that the fourth periodic report of Chad had not been prepared in accordance with the revised general guidelines concerning the form and contents of reports by States parties under article 9, paragraph 1, of the Convention (CERD/C/70/Rev.1). In the first part of the report some information relating to the composition of the various ethnic groups of the population was provided. However, it would assist the Committee in the performance of its task if the future report could give information on the different ethnic groups, as far as their language and participation in public service and in the economy of the country were concerned.

183. With regard to the application of articles 2 to 7 of the Convention, the Committee felt that the information furnished in the fourth periodic report remained inadequate. It was observed that the Government had not responded to the questions raised during the consideration of earlier reports. The Committee, therefore, considered it necessary to renew its request to the Government of Chad to provide in its next periodic reports information relating to, and texts of, its general legal norms prohibiting racial discrimination. The Government was also called upon to supply information relating to measures it had taken in order to fulfil its obligations under articles 2 to 7 of the Convention.

184. The Committee recommended that the summary records of its deliberations during the consideration of the fourth periodic report should be sent to the Government of the reporting State so as to enable the Government to take into account the questions raised and comments made in the preparation of its fifth and sixth periodic reports, which were due in September 1986 and September 1988 respectively, and which should be submitted in one consolidated document.

Tonga

185. The Committee considered the eighth periodic report of Tonga (CERD/C/158/Add.5) at its 838th meeting, held on 11 August 1989 (CERD/C/SR.837); to the Committee's regret, the State party had not sent a representative on that occasion.

186. Members of the Committee welcomed the report, which showed that the Government clearly intended to answer its questions. However, they regretted that the report was so brief and observed that although Tonga was a small State with limited resources, it must none the less meet its obligations under the Convention. In general they would have liked to have figures on the composition of Tonga's population.

187. Members of the Committee wished to know how Tonga was implementing the provisions of article 3 of the Convention and, more particularly, whether it had ratified the main international instruments relating to the elimination of *apartheid*.

188. With regard to article 4 of the Convention, members of the Committee wondered what steps had been taken to combat racism. They noted that Tonga did not seem to be implementing the provisions of that article and wished to know whether the bill on racial discrimination had been adopted, whether Tonga had a Penal Code and, if not, what legal system was applied.

189. Some members wished to know how the rights referred to in article 5 of the Convention were implemented and expressed particular surprise at the fact that the country had no trade unions. In addition, information was sought on the functioning of the courts, the role of information media, the education system and the system of land tenure, particularly in connection with the bill concerning the Crown lands and hereditary land tenure.

Niger

190. The eighth, ninth and tenth periodic reports of Niger, submitted in one document (CERD/C/172/Add.1) were considered by the Committee at its 838th meeting, held on 11 August 1989 without the participation of a representative of the reporting State (CERD/C/SR.838), a fact regretted by the Committee. Owing to the subsequent political and legal changes that had occurred in the country, members of the Committee pointed out that the report did not reflect the current situation in Niger.

191. Members wished to know, therefore, whether the country was still subject to a suspended Constitution or if work on the basis of the National Charter of 1987 had led to a new Constitution, and if this was now in force.

192. Turning to specific articles of the Convention, members asked, in connection with article 4, whether a new Penal Code or an amendment to article 102 of the old Penal Code had been adopted in order to make punishable the creation or maintenance of racial organizations. They requested that the texts of any such amended laws be transmitted to the Committee in the next periodic report, particularly because of the relevance of article 102 of the old Penal Code to articles 3 and 4 of the Convention. Furthermore, members inquired whether article 222 of the old Penal Code also covered acts committed by government officials, or whether such officials were held responsible under administrative procedures exclusively.

193. With reference to article 5, members wished to know how ethnic or linguistic groups in the country were represented in elected bodies and if they had any influence on the presentation of candidates for elections. They asked whether new rules in the Rural Code, and on the right to inherit, had come into force. Information was sought on whether improvements in the public health system had been achieved and on the numbers of doctors working in the district of Agadez. Members wished to know whether enrolment in schools had increased and if primary education was taught in the various native languages. They also asked if it had been possible to surmount the difficulties in the so-called nomad schools, where parents had been reluctant to enrol their children. Further information was requested on the attempt to introduce an African language as the official language of the country, in place of the French language.

194. With regard to article 6, members wished to know the legal basis for claiming damage in the Civil Courts if article 102 of the old Penal Code were to be violated.

195. The Committee decided that the summary records of the meeting should be sent to the Government of Niger in order that their response to the questions posed could be included in their next periodic report.

Rwanda

196. The sixth and seventh periodic reports of Rwanda (CERD/C/146/Add.1 and CERD/C/169/Add.1) were considered by the Committee at its 839th meeting, held on 14 August 1989 (CERD/C/SR.839).

197. In his introductory statement, the representative of Rwanda explained that, under the Rwandese constitutional system, an international convention took effect immediately upon ratification, without any need for the adoption of other legal or administrative measures. He provided the Committee with a detailed list showing how articles of the International Convention on the Elimination of All Forms of Racial Discrimination were covered under Rwandese legislation.

198. Members of the Committee stated that both reports were of a very high quality and followed the Committee's guidelines on the presentation of reports. It was also stated that the seventh report had answered many questions raised by the Committee during its consideration of the sixth report.

199. Members asked for information on the situation regarding the repatriation of Ugandan refugees who had entered the country in 1982 and on the more recent influx of refugees from Burundi.

200. With reference to specific articles of the Convention, particularly article 2, members asked for clarification on the Rwandese policy of balance in the equitable

distribution of employment, on whether the policy set quotas or targets and on the system of classification of people under the policy. Questions were asked on the extent to which the written form of kinyarwanda, the official language, was used nationally and on the level of literacy within the country.

201. Turning to article 4, members wished to know if incitement to racial hatred was punishable under the general provisions of the Criminal Code or if there were plans to introduce an amendment to make it so; if there were provisions in the code for the dissolution of organizations pursuing racist practices; and if it was theoretically possible to form such organizations.

202. With regard to article 5, members asked for a definition of the objective criteria determining eligibility for the right to vote and particularly the suspension of such right for persons held by the authorities. Noting that eligibility for election as a deputy stipulated the completion of four years' secondary education, members asked if this implied indirect discrimination. It was asked whether attempts had been made to involve the Roman Catholic Church in solving the problem of over-population in the country. Members wished to know if the right to freedom of opinion and expression could only be exercised within the National Revolutionary Movement for Development (MRND), the sole political party in Rwanda, and whether the President's actions could be criticized. Taking into account the country's limited financial resources, members asked if sources existed to provide unemployment benefits, social security for non-wage-earners and comprehensive education. Members also wished to know what percentage of nationals had access to higher education, how places were distributed among the various ethnic groups and whether special measures had been adopted to improve the educational standard of the Batwa people to enable them to qualify for employment in the state administration.

203. Finally, in connection with article 6, members asked whether the Government had appointed an Ombudsman to investigate alleged violations of the law by state employees.

204. In response to questions raised by members of the Committee, the representative stated that the situation of the Ugandan refugees had been discussed in a joint commission, set up with the Government of Uganda when the best possible solution had been sought. Many of the refugees had stayed in Rwanda and others had been taken back by the Government of Uganda. With regard to the recent refugees from Burundi, he said the problems had been dealt with within the framework of the subregional community, following an appeal to the international community. With the assistance of the United Nations High Commissioner for Refugees, an overwhelming majority had been voluntarily repatriated. Nearly 1,000 remained in Rwanda in difficult living conditions, but the Government and UNHCR were looking into the possibility of resettling them in a larger country.

205. Turning to specific articles, the representative explained, in connection with article 2, that the purpose of the Government's policy of balance, which set both quotas and targets, was to allow an equitable and just distribution of wealth among the various ethnic groups. The policy was designed to prevent the country from reverting to its former feudal system and to ensure that all groups had proportional representation. Classification of people under the system was based on self-identification, which was then indicated on documents showing civil status. The representative stated that both the written and oral forms of kinyarwanda were used as the medium of instruction in primary schools and taught as

a subject at all levels of education, including the advanced level. He added that the literacy rate in the country was between 60 and 70 per cent.

206. With reference to article 4, the representative informed the Committee that no amendment to the Criminal Code was planned to provide specifically for the punishment of incitement to racial hatred. However, such acts were punishable de facto under the general provisions of the Code, and any complaint automatically led to the institution of legal proceedings and the imposition of appropriate penalties for proven offence. He added that the Constitution discouraged racist organizations, which were not granted legal status. Penalties for the establishment of such associations were very heavy, and if members were prosecuted, the associations were automatically dissolved. He confirmed that the Head of State had set up a committee in January 1989 to draft within a specified time-limit a Code of Conduct for government employees for consideration by the Government and subsequent submission to Parliament.

207. With regard to questions raised under article 5, the representative pointed out that the objective criteria for eligibility in the exercise of political rights had been given in the reports and basically defined a normal citizen in a position to express his will. The persons held by the authorities, whose rights were suspended, referred to those who had not committed criminal offences but were considered to be in a state of pre-delinquency and were housed in reformatories. With reference to the qualifications needed to become a deputy, the representative explained that this was not discriminatory and had been requested by the people themselves at the fourth congress of the MRND, and that the post of deputy necessitated a certain standard of education in keeping with the demands of the post.

208. In response to the question on over-population, he stated that because of the disparity between demographic and economic growth in the country, the Government had launched a policy to make the population more aware of family planning, and all the churches in the country were participating in this policy.

209. The representative stated that freedom of opinion and expression was encouraged by the MRND, which was structured to stimulate such freedom through meetings of representatives of the whole population. The expression of other, non-political opinions was guaranteed by the Constitution.

210. The representative explained that, as part of the Government's efforts to implement social rights, attempts were being made to extend social security for wage-earners to independent workers and the self-employed. He added that the Government was doing all it could to encourage job creation in public and private enterprises.

211. The representative pointed out that the allocations of places in secondary schools were proportionate to the size of each ethnic group in the population. Primary education was free and compulsory for all children between 8 and 15, although at present only 10 to 12 per cent went on to secondary education; those who did not were directed towards vocational training courses.

212. In connection with article 6, the representative stated that there was no provision for an Ombudsman in the Rwandese legal system, but that recourse procedures for ordinary citizens existed within the administrative and judicial systems. He said that the system of recourse had functioned satisfactorily so far,

which was why the Government had not found it necessary to introduce the post of Ombudsman.

Mongolia

213. The ninth and tenth periodic reports of Mongolia (CERD/C/149/Add.23 and CERD/C/172/Add.10) were considered by the Committee at its 839th and 840th meetings, held on 14 August 1989 (CERD/C/SR.839 and 840).

214. The representative of the reporting State, in introducing the reports, said that they covered the period December 1985-August 1988 and that the emphasis had been put, as to their content, on the developments in the Mongolian judicial system aimed at implementing the provisions of the Convention and on the questions raised and comments made by members of the Committee during the consideration of his Government's eighth periodic report. He stressed that since the Committee's consideration of the eighth report, no instance of a violation had been recorded in his country, a fact which showed that Mongolian legislation prohibiting discrimination and guaranteeing equality had set up effective legal means to protect victims or compensate for harm caused in the event of discrimination and on the basis of race, sex and nationality.

215. The representative of Mongolia pointed out that important changes were taking place in his country at present in connection with the restructuring and renewal of all spheres of life. They entailed a reform of the judicial system; updating and enforcement of existing legislation; the enactment of new legislative acts; and the improvement of the community's knowledge of legal affairs.

216. Since the submission of the tenth report, efforts to clarify and supplement existing legislation relating to the Convention had produced positive results. In that connection, mention was made and a description given of the new version of the Citizenship Act; of the bill on co-operatives, which had been adopted recently and would come into force on 1 January 1990; and of the Decree of the Presidium of the Great People's Khural on the measures to prevent AIDS.

217. Members of the Committee congratulated the Government of Mongolia on its very informative reports and thanked its representative for his introduction. With reference to changes that had taken place in the ethnic composition of the population, members sought further clarification on the exact number and social status of all nationalities and ethnic groups living in Mongolia and on the difference between the terms "nationalities" and "ethnic groups". Within the same context it was asked what had been the reasons for the expulsion, in 1983, of 6,000 to 7,000 Chinese; whether that practice had ceased; how many Chinese remained in Mongolia; and whether any consular treaty had been signed by Mongolia with China. With regard to the process of restructuring in Mongolia, members wished to know whether *perestroika* was having any influence on the economy.

218. As for article 2 of the Convention, members having noted that a comprehensive review of the Penal Code had just been completed, expressed their wish that the relevant provisions of that code might be presented to the Committee.

219. With regard to the implementation of article 3 of the Convention, they noted that Mongolia's role was most commendable. At the same time they wished to know whether Mongolia provided any financial support to the United Nations bodies fighting *apartheid* and helping the liberation movements.

220. Regarding the implementation of article 4 of the Convention, members expressed the view that a more direct approach was needed in order to make it clear to the general public that certain acts were punishable by law and, to that end, the provisions contained in paragraphs (b) and (c) of article 4 should find more adequate reflection in the national legislation.

221. As far as the implementation of article 5 was concerned, information was required on the composition of the labour force by nationality, the percentage of employment in Mongolia, the percentage of Mongolians who had houses and how the right to individual economic activity was realized in the agricultural sector. Members also wished to know what language of instruction was used for those who spoke dialects and how the nomadic and pastoral people were required to study under the Public Education Act of 1982; whether the Soyombo script was common to all the dialects and what the literacy rate was of the nomadic and pastoral peoples; whether the goal of the programme adopted in 1987, namely, that all children should have access to a complete secondary education by the end of 1995, would be achieved. More detailed information was sought on the activities of the Great People's Khural and its role vis-à-vis the State, and on the role of the citizens volunteers' committees at the neighbourhood level. While appreciating the quality of representation in the Legislative Branch of the Government, members asked what the situation was with regard to participation of all the minorities in the Executive Branch. Having noted that article 85 of the Constitution guaranteed the right of citizens to lodge an appeal against illegal and discriminatory actions by State bodies, they wished to know how often such a procedure had been used. Members also wished to know how the equilibrium between Buddhism and socialism was maintained in what was fundamentally an atheist State; whether Kazakhs had any mosques to pray in; and whether freedom of movement and residence was guaranteed to all citizens and whether there were any restrictions on that basic right.

222. With reference to article 7 of the Convention and noting that Mongolia had made great efforts to implement provisions contained therein, members sought further information on what it was doing to raise the level of legal awareness, through proper education and training, of teachers, lawyers and magistrates, the police and other security personnel who had to deal with the public.

223. In reply to the questions put by members of the Committee, the representative of the State party said that the concept of perestroika was very broad and embraced all spheres of economic, social and cultural life. The aims of the restructuring in Mongolia were to ensure as far as possible the economic independence of co-operatives and work collectives, democratization of planning and management, combating bureaucratization and promotion of initiative. With reference to the number of nationalities, he said that there were in fact 25 national and ethnic groups and that they had been clearly distinguished in the reports. He went on to say that the most numerous were the Kazakhs, who accounted for 5.4 per cent of the country's population and spoke their own language. As for the other groups, most of them spoke Mongolian, but there were also local dialects. In reply to the question concerning the situation of the Chinese minority, he explained that there had been no arbitrary expulsion in 1983; the Mongolian authorities had asked those Chinese nationals to work in certain places far from the capital where manpower was needed, but they had refused and had preferred to return to their own country. He added that Mongolia had signed a consular treaty with China in 1988. He also said that for centuries his country had maintained traditional relations with China and that those relations were excellent in all respects.

224. In reply to the questions asked in connection with article 2 of the Convention, the representative, citing the statement contained in the tenth report that "a variety of legislation has been adopted here prohibiting all forms of racial discrimination", said that it did in fact refer to certain provisions that had been included in legislation concerning the prevention and elimination of racial discrimination. He said that the new version of article 70 of the Penal Code reproduced exactly the wording of article 53 of the old version of the Penal Code. In connection with the implementation of article 3 of the Convention, he pointed out that it was clearly stated in the reports that the Mongolian People's Republic condemned the *apartheid* system and unreservedly supported the national liberation movements in southern Africa, both morally and politically.

225. With regard to article 4 of the Convention, referring to the violation of national and racial equality, he said that the applicable article of the Constitution was not article 30 but article 70, whereby propaganda or incitement to racial hatred and direct or indirect restrictions on the rights of citizens on grounds of nationality or race, were liable to penalties of up to three years' imprisonment or to the penalty of exile.

226. In reply to the questions asked regarding implementation of article 5 of the Convention, he said that where housing was concerned, the main problem in Mongolia was the improvement of housing conditions since everyone already had a place to live; he reminded the Committee that it was on the initiative of Mongolia that the Commission on Human Rights had adopted a resolution on the right to housing. Regarding Soyombo, he said that it was again being taught in all schools and had been for some years. A general eight-year education was compulsory throughout the country and the entire adult population could read and write. Kazakh children attended primary and secondary schools where they were taught in Kazakh and where they also learned Mongolian. Concerning the education to which the children of nomadic tribes had access, he said that despite the vast extent of Mongolia's territory with its low-density population, the Mongolian authorities had succeeded in ensuring full eight-year schooling for all school-age groups. Referring to access to Western literature, he said that books of Western authors were to be found in all bookshops and that a number of works, for example, those of Balzac and Hugo, had been translated into Mongolian.

227. With reference to the Great People's Khural, or Parliament, the representative of Mongolia said that the working procedures of that body would be considerably modified in the context of *perestroika* and that the next report would reflect those changes. He added that representatives of the national minorities, which accounted for 25 per cent of the membership of the Parliament, were entitled to participate fully in the work of the bodies of the executive branch. He emphasized in this regard that in appointments to posts account was taken only of the individual's abilities and not of any kind of origin.

228. With regard to coexistence between the State and religion, he referred to article 86 of the Constitution and quoted the Dalai Lama, who had noted during one of his visits to Mongolia that Buddhism and socialism were not incompatible.

229. He said that the inhabitants of the country had the right of freedom of movement within the national territory, but that in practice there were certain difficulties since the Government could not agree to everyone leaving the capital to go and live, for example, in the country or in places with a more agreeable climate.

Algeria

230. The eighth periodic report of Algeria (CERD/C/156/Add.2 and Add.6) was considered by the Committee at its 841st meeting, held on 15 August 1989 (CERD/C/SR.841).

231. The report was introduced by the representative of the reporting State, who informed the Committee that Algeria had embarked on a process of reform aimed at achieving the further democratization of the economic, social, cultural and political life of the country. He explained that a new Constitution had been adopted in February 1989 providing, inter alia, for a multi-party system, and for the separation of the legislative, executive and judicial branches of Government. He referred, in particular, to a Constitutional Council, which had been set up to ensure respect for the Constitutuion, the proper conduct of electoral consultations, and to rule on the constitutionality of treaties, laws and regulations. In response to requests from members of the Committee, he stated that information had been included in the report on the country's international activities aimed at combating racial discrimination and apartheid. An annex on population statistics had also been provided for the Committee.

232. Members of the Committee expressed satisfaction at the information provided by the representative to supplement the report, which was commendably comprehensive; it had been drafted in accordance with the Committee's guidelines and took account of most of the concerns expressed by the Committee during its consideration of the previous periodic report. Members thanked the Government for the information provided on the extensive action taken to implement article 3 of the Convention in respect of apartheid. Members looked forward to further enlightenment in the next periodic report on how recent developments had affected the structure of the Government, the political system and society in Algeria.

233. Members were concerned, however, that the annex on population statistics did not provide sufficient information on ethnic groups and minorities to enable the assessment of the implementation of the Convention in this area. Information was requested on the recognition by the Government of the Berbers as a separate group within the country.

234. Clarification was sought on how the concept of racial discrimination was interpreted; whether all the grounds detailed in article 1 of the Convention were covered by Algerian legislation and, if so, where were they specified.

235. With regard to article 4, members pointed out that legislation is meant to prevent as well as to punish racial discrimination, and they asked for further clarification on the claim made in the report that no specific measures were necessary to prevent such discrimination. They also wished to know how the Criminal Code was interpreted for determining whether acts of racial discrimination had occurred.

236. A number of questions were raised concerning article 5 of the Convention. Members wondered why, under article 38 of the Constitution, people engaged in profitable activities were excluded from the exercise of political rights. They wished to know whether there were limitations placed on the exercise of freedom of movement by foreigners and whether Algerian nationals who had left the country were allowed to return. Information was requested on whether any political associations had been formed under the new multi-party system and on the right of association in

general. Members asked whether the Criminal Code contained provision against discrimination for foreign workers in the fields of housing and employment; what recourse measures were available if discrimination did occur; and whether foreign workers enjoyed social rights in practice, even if these were not guaranteed to them by law. Information was asked for on the reports of over 3,000 people arrested during the 1988 riots and on the reported allegations of torture. Members inquired whether there were regional divisions in Algeria for planning purposes and whether some areas required greater attention than others.

237. Finally, with reference to article 14, the Government was requested to examine the texts of declarations made under this article by other States parties with a view to the possibility of Algeria making a declaration on the competence of the Committee.

238. In response to the questions raised by members of the Committee, the representative stated that the Government was concerned to preserve national unity; it was not possible to provide statistics on the ethnic origins of the people as all its citizens were regarded as Algerians. It was stressed that no further information existed other than that based on the parameters given in the report, which was collected in response to specific needs. Furthermore, he declared that the question on the rights of the Berbers was irrelevant since all citizens enjoyed equal rights, both in law and in practice.

239. With reference to article 4 and the prevention of racial discrimination, the representative said that the specific measures mentioned in the report referred to measures other than legal ones, and that article 28 of the Constitution prohibited discrimination on even more comprehensive grounds than those listed in the Convention.

240. In response to questions on article 5, the representative informed the Committee that article 38 of the Constitution was not intended to be discriminatory but rather to restrict the influence of affluent sections of society and thus prevent social discrimination. Furthermore, article 38 had now been replaced by a new article, 48, which guaranteed the equal access of all citizens to responsibilities within the State, subject only to conditions laid down by law.

241. The representative pointed out that limitations on the freedoms of movement of foreigners were restricted only to military zones. She explained that restrictions on leaving the country, which involved financial support for citizens wishing to do so, had now been lifted and that citizens were free to return to Algeria after periods spent abroad. No restrictions on entry and departure were placed on foreigners.

242. The representative informed the Committee that since the formation of political associations had become legal in February 1989, a plethora of such associations had been established covering the whole political spectrum, and their numbers were constantly increasing.

243. With regard to foreign workers, the representative drew the attention of the Committee to the fact that the country's high unemployment rate had drastically reduced the influx of immigrants seeking work. All foreign workers entering the country had to have a contract with either private companies or government bodies, and employers were responsible for the provision of accommodation. All social rights were extended to such workers, including medical care. It was pointed out

that the relevant legal provisions preventing discrimination were detailed in paragraphs 123 to 127 of the report, but that although citizens claiming to suffer from racial discrimination could appeal to the courts and invoke the Convention, no such appeals had been lodged to date.

244. The representative explained that within the administrative divisions of Algeria, some areas were inevitably more disadvantaged than others. However, special programmes to meet the specific needs of these areas in the field of education and medical care had been developed at a very early stage. It was stated that the relevant statistics were purely quantitative and did not relate to the kind of information requested by the Committee.

245. With reference to a declaration under article 14 of the Convention, the representative said that the Government was currently undertaking a detailed review of its position on all international instruments; she added that Algeria had recently signed the Optional Protocol to the International Covenant on Civil and Political Rights. It was highly probable that Algeria would recognize the Committee's competence under article 14 within the course of the following year.

246. Finally, the representative stated that certain recent developments in Algeria had not been fully covered by the report or the current discussion, but assurance was given that relevant information would be included in the ninth periodic report.

Colombia

247. The third and fourth periodic reports of Colombia (CERD/C/143/Add.1 and CERD/C/166/Add.1) were considered by the Committee at its 841st and 842nd meetings, held on 15 August 1989 (CERD/C/SR.841 and 842).

248. The reports were introduced by the representative of the reporting State, who provided to the Committee further information to that contained in the reports under consideration, with particular attention given to the description of Colombia's indigenous policy since independence. Having described the main features of the past policies in that sphere, he pointed out that since 1982 that policy, labelled "indigenous self-administration", had been characterized by the active participation of indigenous communities in decision-making on measures affecting their own economic and social development and by respect for their own cultural institutions and traditional organizations. In 1982 the First National Indigenous Congress had been held and the National Indigenous Organization of Colombia had been set up, with which the Government had been promoting programmes on land, health, education, economic development and the protection of natural resources. He said that in 1988, there were 67 reservations or protected areas of colonial or ancient origin, with a population of approximately 150,000 indigenous people, and 177 new protected areas established by the Colombian Institute of Agrarian Reform (INCORA), with a population of about 158,000 indigenous people, whereas previously there had been only 27 reserves with a population of 15,000 indigenous inhabitants out of a total indigenous population estimated at around 450,000. He also gave a detailed description of the health, education and culture aspects of the Government's indigenous policy.

249. The representative declared that Colombia had no national or local policies, legislation or regulatory provisions tending to create or perpetuate racial discrimination, as referred to in article 2 of the Convention. In addition, the provisions in force, both constitutional and legislative, guaranteed full enjoyment

of the rights of all citizens without any discrimination, whatever their racial or ethnic group. The recognized means of appealing against any provisions violating constitutional guarantees were in operation, prominent among them the system for review of the constitutionality of laws by the Supreme Court of Justice, which recognized the right of all citizens, native or naturalized, whatever their racial origin, to challenge any legal provision that infringed the Constitution. The representative provided further information on the legal and administrative measures and policies formulated and developed by the present Government with the aim of increasing the participation of the indigenous community in the collective life of the Colombian nation, with due regard for their native traditions and values.

250. The representative said that in addition to the indigenous groups, ethnic groups of African origin had made a valuable contribution to Colombian development. The members of the black race, he emphasized, enjoyed full citizenship, without distinction as to rights and obligations. That equality also extended to immigrants from diverse racial groups who had arrived in Colombia at different periods. Although Colombia, with a population base of indigenous, Spanish and African peoples, had not been a prime example of a country of immigrants, its social and legal organization had always guaranteed racial equality and the treatment of all elements of the population without discrimination. Finally, he declared that Colombia had supported the cause of racial equality in all international forums and had embodied such equality in its internal legislation as one of the most precious conquests in the struggle for the protection of human rights.

251. Members of the Committee congratulated the Government of Colombia, which maintained a fruitful dialogue with the Committee and with other bodies dealing with the protection of human rights, despite the rather complex political situation and the difficulties encountered, and regularly presented reports. Members of the Committee referred to the serious problems caused by political violence and the narcotics traffic in Colombia, and observed that terrorism and the narcotics traffic seriously affected the policies drawn up and applied by the Government to give effect to the provisions of the Convention and, therefore, expressed a desire for observations and explanations from the Government of Colombia in that regard. With reference to this problem, special mention was made of the report on Colombia of the Working Group on Enforced or Involuntary Disappearances presented to the Commission on Human Rights (E/CN.4/1989/18/Add.1 of 6 February 1989).

252. With reference to the assertion, contained in the introduction to the fourth report of Colombia that there was no racial discrimination in Colombia and that no such acts affecting the racial minorities living in Colombia were practised, members of the Committee disagreed with such an assertion and clarified that under article 9 of the Convention, States parties did not undertake to proclaim the non-existence of racial discrimination on their territories, but to inform the Committee of the measures that they had adopted and that gave effect to the provisions of the Convention, as Colombia had done in the second part of its third and fourth reports. The hope was expressed that observations of the Committee would be taken into account in the future periodic reports of Colombia. Having indicated that 12 States parties, including 4 Latin American States, had made the declaration referred to in article 14 of the Convention, members wished to know whether the Government was contemplating the possibility of making such a declaration.

253. Members of the Committee wished to know what progress had been made with respect to the Colombian Constitutional Reform Bill, which includes a provision prohibiting incitement to racism and racial discrimination; what the policy of the present Government was towards the National Programme for the Development of the Indigenous Populations (PRODEIN); what major progress had been made in PRODEIN since 1986; how the present development plan affected the indigenous populations; and what changes had been made in PRODEIN. Further information was sought on the scope and content of the Plan for the Elimination of Absolute Poverty and the Comprehensive Rural Development Plan, showing how far both plans envisaged specific measures for the indigenous population and the important black minority. It was also asked what changes had been introduced in the new legislation on agrarian reform and specifically what aspects of that legislation were more favourable to the indigenous inhabitants, especially with regard to reservations and other possible forms of rural property. Members also wished to know how the lack of adequate resources affected the indigenous policy of government, and what the difference was between the notions of "indigenous reservations" and "protected zones". With reference to the incidents that had taken place on 24 March, 14 April and 15 May 1987 in the Choco region, in which police forces and Indians were involved, information on the work of the governmental commission was requested. It was also asked what resources would be made available by the Government to enable the indigenous population to preserve the natural resources of the tropical forests.

254. With regard to article 3 of the Convention, members noted with satisfaction that Colombia had no diplomatic relations with South Africa, but asked whether it maintained consular and trade relations with that country.

255. With reference to article 4 of the Convention, it was noted that Colombia had not adopted the measures referred to under article 4 (a), and it was suggested that Colombia should consider modifying its Penal Code and its Code of Criminal Procedure so as to implement fully provisions contained in article 4, paragraphs (a) and (b), of the Convention.

256. As for the implementation of article 5 of the Convention, further information was required on the extent to which all citizens had the possibility of enjoying the rights spelled out therein in practice; more information was sought on the enjoyment of political and cultural rights by the indigenous peoples and other minority ethnic groups, with comparative figures for different groups regarding education, per capita income, housing, availability of the medical care facilities and representation. The question was also raised of whether indigenous Colombians, who spoke only dialects, could also vote without having to sit a language test in Spanish. Clarifications were requested concerning the projects being carried out by the Government to provide the indigenous population with professional skills, what the Government had done to assist indigenous children to gain access to secondary education and whether a scholarship programme for indigenous Colombians existed.

257. With reference to article 6 of the Convention, members asked whether the Office of the Attorney-General could bring the cases involving racial discrimination to court; how many offices of the Public Defence Service had been created since the establishment of that Service; and what the functions were of the Presidential Adviser on the Defence, Protection and Promotion of Human Rights. Additional information was also requested on the functioning of the special office for indigenous affairs.

258. Responding to the questions put and comments made by members of the Committee, the representative of the State party acknowledged that it was not enough for a State party to declare on a theoretical level that it complied with international instruments: it should specify the laws and other measures adopted to that end. Colombia had striven to provide the Committee with as much information as possible on the subject, and would continue to do so in forthcoming reports. Colombia planned to accept the procedure laid down in article 14 of the Convention. The constitutional reform bill had been approved in its first reading during the 1988 legislative session. The reform would enable the State to establish institutions that were more appropriate to the type of social and economic problems currently facing the country.

259. Two problems with which the Government of Colombia had to cope were violence and the drug traffic. Concerning violence, he said that certain groups in the country resorted to violence in an attempt to change institutions instead of using the democratic means available to them. As far as the drug traffic was concerned, Colombia was unfortunately a centre for the processing and distribution of narcotics. The drug traffickers openly threatened to conduct a bloody war against the lawful authorities of the country, who were working to put an end to the trade. In such circumstances, it was not only difficult to guarantee the security of all citizens on a permanent basis, but it was also particularly hard to find resources and institutional support to assist, protect and promote the interests of minorities.

260. On the subject of development projects for the indigenous population, the representative said that in Colombia, as in many other Latin American countries, continuity in such programmes was ensured even if a new government changed their names. The fundamental elements of the projects initiated under the previous Government had been retained and even strengthened. Under one such project, a new law on agrarian reform had been adopted in 1988. The law had already begun to produce results, but some time would be required to ascertain the impact of the new policy of land distribution on the indigenous populations.

261. In response to requests for statistical data made by members of the Committee, the representative pointed out, giving the breakdown of the population as an example, that it was difficult to draw up statistics in Colombia because it was a country of mestizos. The wholly white population, which was almost exclusively of Spanish origin, made up less than 20 per cent of the population. There were more than 50 per cent of mestizos, in other words people who were a mixture of Indians and Whites. Mulattos, the product of the mixture of Whites and African Blacks, made up about 20 per cent of the population. There were also 7 or 8 per cent of pure-blooded or nearly pure-blooded Blacks, and lastly the indigenous groups, who were considered to be pure-blooded, accounted for around 1 to 1.5 per cent of the population. In such circumstances it was not easy to indicate how many indigenous Colombians, Blacks, mestizos or mulattos worked in government, education or the public services. The very few pure-blooded Indians lived in areas remote from the large cities and were therefore rather cut off from the rest of the country, so that their involvement in economic and social life was fairly limited.

262. The representative of the State party provided detailed replies to the questions relating to the application of article 2 of the Convention. He explained in particular that the concept of "reservations" dated from the colonial period; the indigenous community was granted an entitlement to enjoy the use of the land in question, which remained the property of the State. The current official policy

was to transform the reservations step by step into "protected areas" over which the indigenous populations enjoyed a genuine title of collective ownership that was more in keeping with their traditions. Concerning the protection of disadvantaged populations and means of ensuring such protection, when a choice had to be made between paternalism and autonomy, the representative said that the problem was common to all countries with indigenous populations, Colombia being no exception. After providing a historical outline of the problem, the representative said that at the moment it was necessary to reach a compromise in practice guaranteeing both the advancement of the indigenous communities and the preservation of their cultural identity. Concerning the incidents that had taken place in the Choco region, the information requested would be provided in Colombia's next periodic report.

263. Turning to the application of article 3 of the Convention, the representative said that Colombia maintained no relations, whether diplomatic, commercial or consular, with South Africa.

264. Concerning the obligation to comply with the provisions of article 4 of the Convention, the representative said that the adoption of the Code of Criminal Procedure at the end of 1988 had been reported to the Committee, and that the information requested would be supplied in the next period report.

265. Replying to the questions posed in connection with articles 5 and 6 of the Convention, the representative said that there were no restrictions on the right to vote and be elected. Even the illiterate could vote. He also provided additional information, indicating in particular that the Office of the Presidential Adviser on the Defence, Protection and Promotion of Human Rights had been set up at the end of 1988 to co-ordinate and focus efforts to identify human rights violations. The Adviser was responsible for preparing reports describing the circumstances in which such violations had occurred and drawing them to the attention of members of the judiciary and other authorities whose task it was to investigate them. The Adviser worked in very close co-operation with the Attorney-General.

266. Regarding the arrangements made to bring literacy to indigenous Colombians living in remote areas, the representative said that special courses had been organized by volunteers for people living in those communities. He also said that the Government drew on the experience of indigenous Colombians in its efforts to protect the environment and worked together with the indigenous communities in that sphere.

267. In reply to the questions concerning the application of article 7 of the Convention, the representative said that the task of translating handbooks on national legislation into a score of indigenous languages was a rather substantial one, the work being costly and extremely difficult, but that progress had been made in that area in recent years.

Philippines

268. The eighth, ninth and tenth periodic reports of the Philippines, presented in a single document (CERD/C/172/Add.17), were considered by the Committee at its 842nd and 843rd meetings, held on 15 and 16 August 1989 (CERD/C/SR.842 and 843).

269. The report was introduced by the representative of the State party, who highlighted the process of restoration of democracy in the Philippines, which had

led to the freeing of political prisoners, the establishment of the Commission on Human Rights as a body completely independent of the Government, and the ratification of several international instruments on human rights. However, she added, the Government was facing a brutal insurgency that was determined to overthrow it. She emphasized that racial discrimination was totally alien to the Philippine soul and culture, and that the low level of socio-economic development among the indigenous peoples was the result of colonialism, economic exploitation and four centuries of neglect on the part of the authorities. Measures recently adopted to remedy the situation included the establishment of autonomous regions and the setting up of three offices to deal with the affairs of the various cultural communities.

270. Concerning article 4 of the Convention, she said that there had been no reports of breaches of Decree No. 1350-A, which declared all violations of the Convention illegal, and that in addition to the legal machinery established for that purpose, alleged victims could bring their cases to the Ombudsman and the Commission on Human Rights.

271. Members of the Committee took note with satisfaction of the report of the Philippines and congratulated the representative of the State party on her introduction. Members also welcomed the statement by the representative of the reporting State on the restoration of democracy in the Philippines and expressed their satisfaction over the important political changes that had taken place and had created conditions for the observance of, and greater respect for, human rights. They also noted that the Government had not hesitated to raise the problems it was encountering in the implementation of the Convention, which bore witness to its determination to observe the Convention. Members were, however, surprised at the Philippine authorities' assertion that there was a complete absence of racial discrimination in the country and asked whether racial prejudices persisted in practical terms, in particular as a result of the country's colonial past. They also sought more information on the insurgency, the movements that made it up, the circumstances of the conflict and its consequences for the implementation of the Convention and, in particular, for the situation of the indigenous populations and communities living in the affected areas.

272. Members of the Committee welcomed the Philippines' position regarding the struggle against the *apartheid* régime and asked whether relations of any kind were still maintained with South Africa.

273. Members sought additional information concerning the implementation of article 4 of the Convention, especially in connection with the application of Decree No. 1350-A.

274. Concerning article 5 of the Convention, members of the Committee sought additional information, notably statistics, on the ethnic composition of the country. Noting that, according to the report, 110 ethnic groups lived in the Philippines, they asked how that could be reconciled with the statement that Filipinos were all descended from a single racial stock. They also asked what were the living conditions of the members of the indigenous communities, notably those in the islands of Luzon, what measures had been taken by the Government for their benefit, what area of ancestral lands was in the process of being restored to them, what land tenure arrangements applied in that respect, whether educational establishments offering instruction in their languages had been established and whether legal aid was granted to them. Clarifications were also requested

regarding the various autonomous regions, including Mindanao, and the offices responsible for the interests of the cultural communities, particularly as regards their composition and functions, the exact meaning of the terms "cultural communities", the programme relating to the Shariah mentioned in the report and the guaranteeing of the right to work. Lastly, it was asked what measures had been taken to guarantee the equal access of minority groups to public service and to increase their representation in governmental positions.

275. Additional information was requested concerning the application of article 7 of the Convention, particularly as regards educational projects described in the report as promoting peace.

276. In reply to questions raised by members of the Committee, the representative of the State party referred to vestiges of colonialism that still existed in practice and explained that until recently discriminatory recruitment practices had been pursued by some foreign companies. Furthermore, those practices had been exacerbated by sometimes large differentials in remuneration. Those practices which had caused several strikes had now been dealt with by the labour laws. Moreover, the Government was working on practical programmes to implement the constitutional provisions on social justice, equality, human rights and the attainment of a just and humane society. A comprehensive Agrarian Reform Programme had therefore been adopted to promote equality and the elimination of poverty, free high school education had been granted for all and resources had been allocated to alleviate the lot of the lowest 30 per cent of the population in terms of income. She emphasized, however, that the huge foreign debt impaired the pattern of development chosen by the Philippines.

277. With reference to specific questions concerning the insurgency, the representative explained that one of the results of the armed conflict was the displacement of persons due to voluntary evacuations. She drew attention to the economic effects of insurgency and counter-insurgency activities and stated, *inter alia*, that access to livelihood sources had become very difficult for some tribes. The insurgency was losing its appeal in the countryside for several reasons, including the discovery of mass graves of persons considered to be defectors from the New People's Army, and killings by units operating in urban areas. Referring to the Tripoli Agreement between the Government of the Philippines and the Muslim Liberation Front, she explained that it had recently been implemented by a law providing for the creation of an autonomous region in Mindanao. That law would, however, not enter into force until it had received majority approval in a plebiscite to be held in the proposed autonomous region. She added that the Government of Muslim Mindanao would be empowered to legislate on administrative organization, revenue sources, planning development, national resources and protection of the region's cultural heritage and that, as a result of peace talks, an executive order creating a separate Cordilleras region under the leadership of the people of the Cordilleras themselves had been signed.

278. With reference to article 3 of the Convention, the representative of the State party underlined that her Government maintained no diplomatic relations with the Government of South Africa.

279. With regard to article 4 of the Convention, the representative explained that Decree No. 1350-A declared illegal, and provided a penalty for, all organizations and organized activities that promoted and incited discrimination. While no complaints of racial discrimination had been brought before the courts in the past,

the heightened awareness of their rights among the indigenous communities had increased the likelihood of such complaints being lodged.

280. Regarding questions raised in relation to article 5 of the Convention, the representative explained that the Philippines, composed of 7,100 islands, had a rich linguistic culture, with some 80 identifiable languages falling into 20 groups, and that the principle was now accepted that national identity could only be enriched by preserving and developing the languages and cultures of different groups. Although no special schools for the purpose of educating minorities existed, the need to promote and develop the cultural heritage of the various ethnic groups had been recognized by the Government. Regional educational offices had therefore been made responsible for devising regionally relevant curricula to supplement the national core curriculum. The first three years of schooling were in Filipino and regional languages, with English being introduced in the fourth year. Furthermore, a "tent school" project, which provided schooling for children in nomadic tribal groups, had been launched. Referring to other questions, she emphasized that according to article 12 of the Constitution, the State should protect the rights of indigenous communities to their ancestral lands in order to ensure their economic, social and cultural well-being. She added that the guidelines for determining the distribution and identification of these lands were currently being considered in the legislature, and that burial grounds and sacred grounds of indigenous populations had already been identified as ancestral lands.

281. Replying to questions on the offices established to protect and promote the interests of cultural communities, the representative explained that until 1987, there had been only one office, called the Office of National Integration, and that its chief had usually been appointed from the Muslim community. Because of the rising awareness of other cultural communities, three separate agencies had been created: the Office of Muslim Affairs, the Office of Northern Cultural Communities concerned with hill tribes and ethnic communities, mainly in the land of Luzon, and the Office of Southern Cultural Communities, concerned with all communities other than the Muslim community. She added that a cultural community was one which shared a common and distinctive heritage as well as common social and economic structures, that the physical differences between those groups were very slight and that they shared cultural rather than racial features.

282. Responding to other questions, the representative stated that during a period of about two years, various Muslim groups, Imams and Muslim scholars in the Philippines and Arab countries had been consulted and had prepared a Shariah Code for the Philippines, that it had been enacted into law, that it was applicable to all Muslims in the Philippines and that Shariah courts had been established to implement and interpret the Code.

283. The representative added that the Constitution guaranteed the rights to work, to organize and to enter into collective bargaining, even though their implementation was endangered by the problem of unemployment and underemployment faced by the country. Lastly, she emphasized that measures had been taken to facilitate access to the civil service and regional administrations, that Muslims, being the dominant minority group, held many electoral and government positions, that various cultural communitites were represented in the Congress and that the Supreme Court was currently deciding on the most appropriate procedure for the appointment of sectoral representatives.

Senegal

284. The eighth periodic report of Senegal (CERD/C/158/Add.3) was considered by the Committee at its 843rd and 844th meetings, held on 16 August 1989 (CERD/C/SR.843 and 844).

285. The report was introduced by the representative of the reporting State, who gave a detailed description of how the various provisions of the Convention were covered by Senegalese legislation. He stressed that the rights enshrined in the Convention, together with other international instruments, were incorporated into the body of the Constitution, not merely as principles but as rules for daily application. The fact that the country was subject to the rule of law was reflected in the provisions of article 79 of the Constitution, which recognized the precedence of international treaties over national law.

286. He stated that under article 4 and articles 6 to 20 of the Constitution, specific guarantees were provided in respect of political and trade union freedoms, fundamental rights and freedoms of the individual, freedom of opinion and religion, property rights, and economic, social and cultural rights. The representative emphasized that the independence of the judiciary was ensured under the Constitution, and any case involving human rights violations could be brought before all tribunals, including the Higher Council of the Legislature and the Supreme Court.

287. Senegal's fundamental opposition to apartheid was restated by the representative, who said that his country had no economic or other relations with South Africa, and had recently updated restrictive measures against the régime.

288. The representative informed the Committee that a series of measures had recently been adopted in Senegal that brought its legislation fully in line with article 4 of the Convention.

289. Members of the Committee welcomed the eighth report of Senegal and expressed satisfaction at the additional information provided in the introductory statement, which underlined Senegal's unquestionable commitment to the protection of human rights.

290. Noting that nearly 20 per cent of the country's population were aliens, members wished to know whether they were already employed in the country or were foreign workers seeking employment. While welcoming the statistics on ethnic groups provided in the report, members sought further clarification on the demographic composition of the country and on whether access to public service was available equally to all the groups.

291. It was stated that the Senegalese authorities appeared to have given a new definition to public order, which, as a general rule, was invoked to justify the restriction of certain rights. Members asked for further information on the definition as used in Senegal.

292. Members acknowledged Senegal's contribution to the African peoples' sense of identity, or Negritude, and asked for further information on the mass literacy campaign in the country.

293. Finally, members asked for information on the recent disturbance between Senegal and Mauritania.

294. In response to questions raised by members of the Committee, the representative stated that the many foreigners living in the country did so for many varied reasons, since Senegal was historically a land of immigration and also a host country for tourists. Legislation within the country in respect of foreigners was strict in the letter but not in the practice of the law, thus many foreigners did not have identity cards or resident permits but lived in harmony with the Senegalese people.

295. Regarding the demographic composition of the country, the representative said that the census, taken every 10 years, did not ask for the ethnic origins of citizens, its parameters were those of age and sex. He explained that all citizens belonged to one ethnic group, the Sahelo-Sudanese group; although there were six linguistic groups, Wolof was the dominant language spoken by nearly everyone, although French remained the official language. He stressed that as all citizens were part of the same group, access to public service was based on qualifications not ethnicity.

296. The representative informed the Committee that in Senegal public order was not regarded as being restrictive to the enjoyment of human rights, but was considered as a *sine qua non* for the proper existence of individual freedom.

297. He explained that the Negritude could be taken as the basis for the mass literacy campaign within the country. The Government had decided to ensure literacy in the national languages and the campaign was considered an important tool in education within the country.

298. The representative stated that following the recent incident between Senegal and Mauritania, the Senegalese authorities had taken all necessary steps to ensure the security of all Mauritanian refugees in the country. A census would be taken in all the camps to provide refugees with relevant identity papers.

Germany, Federal Republic of

299. The Committee considered the ninth and tenth periodic reports of the Federal Republic of Germany (CERD/C/149/Add.21 and CERD/C/172/Add.13) at its 844th and 845th meetings, held on 16 and 17 August 1989 (CERD/C/SR.844 and 845).

300. The report was introduced by the representative of the State party who, after emphasizing that the Government of the Federal Republic of Germany did not consider that it had any obligation under the Convention to report on issues relating to the law on aliens, informed the Committee that his Government already supplied information on the situation of aliens to other international bodies under the International Covenant on Civil and Political Rights and the corresponding international instruments of the Council of Europe, in particular, the European Social Charter, and of the European Communities.

301. The representative of the State party, however, supplemented the information contained in the tenth periodic report and provided additional information on the legal situation and living conditions of foreign workers in his country. He said that, in 1988, some four and a half million foreigners were resident in the Federal Republic of Germany, representing 7.3 per cent of the total population, and that

the greater part of the foreign population was concentrated in a few regions of the country, where it occasionally exceeded 20 per cent of the population. He also told the Committee that a large number of Germans or persons of German origin were arriving each year from countries of eastern and south-eastern Europe. Their arrival in the country and their integration often gave rise to problems and conflicts similar to those presented by the integration of foreigners. During the period 1977-1987, some 800,000 German nationals and persons of German origin, including their non-German spouses, had been authorized to settle in the Federal Republic. The figures had been rising constantly for some time and had reached approximately 243,000 in 1988 and 96,000 in the first six months of 1989.

302. The presence of a high proportion of foreigners in his country was, unfortunately, leading to some reservations with regard to them. That was why his Government's policy in regard to foreigners tended to favour the integration of workers who had already been living in the country for some time and of their families and tended to limit the further flow of new foreign workers into the Federal Republic and to encourage voluntary return to the country of origin. In anticipation of the opening of a large free European market in 1992, the Federal Government, in collaboration with its partners, had already embarked on harmonization of important parts of the law relating to foreigners at the European level. After giving a detailed description of various aspects of the relevant legislation, he explained that the procedures for acquiring German citizenship were the same as for naturalization and that during the past 10 years the number of foreigners who had acquired German nationality had averaged 14,000 a year.

303. He informed the Committee that the average annual unemployment rate for foreign workers had been 14.7 per cent in 1988, as against the overall unemployment rate of 8.7 per cent. He gave details of arrangements to protect job-seekers from racial discrimination and of the availability of legal aid to foreigners, with particular reference to access to the services of a legal adviser and translation and interpretation costs in court proceedings.

304. The representative of the State party provided additional information on cases where compensation had been paid for damage resulting from acts of racial discrimination and on the remedies available to foreign workers to protect their rights in the event of racial discrimination by local authorities and in case of expulsion. He emphasized that, under the provisions of article 3, paragraph 3, of the Basic Law, every individual - and that also applied to foreigners - was entitled to equality of treatment before the law. Where the problem of integration of adults was concerned, he said that, since its foundation in 1974, the Language Association for Foreign Employees had dealt with 560,000 foreigners and in 1988 had spent approximately DM 28 million on financing language courses attended by 67,000 participants.

305. With regard to the measures taken to educate the lower-level administrative authorities with regard to the provisions of article 7 of the Convention, he said that such training was undertaken by the authorities of the Länder and the communes, which themselves trained a large proportion of their employees. Special commissioners known as "ombudsmen", who dealt with matters affecting foreigners, also undertook that type of training and there were, in addition, special bodies responsible for combating racial discrimination and eradicating hostility to foreigners. In conclusion, the representative of the State party said that he had transmitted the tenth periodic report of the Federal Republic to the Länder with a request that they should ensure respect at all levels of administration for the

obligations set out in the International Convention on the Elimination of All Forms of Racial Discrimination.

306. Members of the Committee congratulated the Government of the Federal Republic of Germany on the quality of the reports it had submitted and thanked its representative for having made a very useful and complete statement bringing them up to date. It was noted that the ninth periodic report of the Federal Republic of Germany had laid emphasis on the limitations of the obligations of States parties provided for in article 1, paragraph 2, of the Convention and declared that it was not required by the Convention to report on a certain number of matters concerning foreign workers living in its territory. It was noted at the same time that the Federal Government's interpretation of the relevant provisions of the Convention was correct in that the Convention did not apply to distinctions made by the Federal Republic's authorities between citizens and non-citizens. It was contended, on the other hand, that, if a non-State agency, such as a private employer, discriminated on racial grounds, this was not excluded and that the Committee was entitled to know whether, in a matter such as the granting of a labour permit or a residence permit, distinctions were made between immigrant workers themselves on the basis of their national origin. It would be useful for it to know whether, for example, a worker of Polish origin was treated more favourably in the Federal Republic than a worker of Turkish or Algerian origin. Information was requested on the meaning of the phrase "non-German ... population", on the reason why the population of West Berlin had been included in that of the Federal Republic (para. 4 of the ninth report), on the use of the word "Germany" to describe the Federal Republic of Germany in paragraph 23 of the report and on the use of the term "Jewish citizens" in paragraph 25 of the report.

307. Members of the Committee wished also to know how the tripartite intergovernmental commission on regional questions relating to the border between the Federal Republic of Germany, France and Switzerland functioned and what issues it dealt with; which language was used as the medium of instruction in border regions and whether there was daily migration in that area.

308. The hope was expressed that the Government of the Federal Republic of Germany might reconsider its position in connection with article 14 of the Convention.

309. With reference to the implementation of article 3 of the Convention, it was stated that reports did not contain a detailed description of steps taken to combat *apartheid* and additional information was sought on any measures, not necessarily of a legislative nature, that had been taken in the Federal Republic of Germany to discourage the South African *apartheid* régime or even to express dissatisfaction with it. One member maintained that article 3 created obligations in respect of all forms of segregation, including forms not caused by the State, and that the State should report on voluntary residential segregation, since this could give rise to racial discrimination.

310. With regard to article 4 of the Convention, it was asked whether legislation in the Federal Republic of Germany permitted the existence of organizations that expounded racial ideologies.

311. With regard to article 5 of the Convention, members wished to know whether the right to freedom of movement was adequately ensured to persons entering the Federal Republic of Germany from eastern European countries and also to the gypsy minorities.

312. With regard to article 6 of the Convention, members wished to know whether the legislation enacted in the Federal Republic of Germany had proved effective and to whom the sum of DM 80,000 million mentioned in paragraph 22 of the report had been paid under the arrangements for the compensation of Jewish victims of racist persecutions under the Nazi régime.

313. The representative of the State party, replying to the questions raised by the Committee's members, stated that the Committee's comments and questions would be conveyed to his Government. He clarified his Government's position on the scope of the application of the Convention, especially with reference to its articles 1, 3 and 5. In that connection he pointed out that he was convinced that the Convention was not intended to guarantee all the rights provided for in article 5 to citizens and aliens alike, as seemed obvious in the case of the political rights referred to in subparagraph (c), especially the right to vote. Turning to the definition of nationals and aliens, he said that everyone who was not a national according to article 116 of the Basic Law and the Law on citizenship was regarded as an alien: non-citizens might be citizens of other States or stateless. He agreed that the phrase "Jewish citizens" should be amended to read "citizens of Jewish origin". He provided further information concerning the Danish minority, indicating in particular that there were no differences economically between the living conditions of the Danish minority and those of German nationals. With reference to the tripartite intergovernmental commission on which the Federal Republic of Germany, France and Switzerland were represented, he stated that that body dealt with a wide range of administrative and economic matters, especially environmental problems that transcended frontiers and required close co-operation between the competent authorities of the three countries. The commission ensured such co-operation on an informal basis between local administrations. There was much daily migration back and forth between the three States, especially between France and the Federal Republic of Germany, and there were no problems in crossing frontiers. Language education in the schools in the border regions normally included the language of the neighbouring countries. The authorities were interested in facilitating exchanges and creating a better understanding of the problems of the neighbouring populations.

314. With reference to article 3 of the Convention, the representative stated that the Federal Republic of Germany had always maintained, and continued to maintain, that its policy towards the racist régime of South Africa was not a matter on which it had to report to the Committee. However, he added, in view of his country's long-standing fruitful co-operation with the Committee, and leaving aside all legal questions, he was prepared to report orally on his Government's policy towards apartheid. He stated further that the Federal Government had always taken an unambiguous and determined stand against apartheid and racial discrimination in South Africa. It was his Government's aim to eliminate apartheid in all its forms and effects and to bring about a rapid and peaceful transition to an equitable socio-economic and political order, so that all South African citizens would have a fair chance of determining their own destiny. His Government's policy focused on the absolute necessity of peaceful dialogue between all sectors of the population, for which the prerequisite was the release of all political prisoners, and first and foremost Nelson Mandela. The Federal Republic of Germany urged the lifting of the ban on black majority associations in South Africa. However, he said, the Federal Government opposed the imposition of comprehensive mandatory sanctions, which, in its view, would not contribute to a peaceful settlement of the conflicts but would ruin the chances of a peaceful solution.

315. Referring to article 4 of the Convention, he stated that the national legislation did not permit the existence of organizations that spread racist ideologies: under article 9, paragraph 2, of the Constitution, organizations working against the Constitution or against the idea of peace among the people and State were forbidden.

316. As for the implementation of the provisions of article 5 of the Convention, the representative replied to the questions raised, indicating in particular that the foreign workers and their families enjoyed the right to freedom of movement throughout the national territory and that they understandably chose to live in places inhabited by their fellow countrymen. The concentration of aliens in certain quarters was the result of a choice made by the aliens themselves and not by the State and therefore the assertion that such a situation amounted to racial segregation under article 3 of the Convention was groundless.

317. As for the freedom of movement for people of German origin coming into the country from the east European countries, he said that temporary restrictions were necessary to ensure their integration: they were compelled for a time to live in certain areas where they had the best chances of finding jobs. Such action was taken in their own interest; otherwise their situation would be more difficult and they would obtain less help. Further information was provided on the freedom of movement for Sinti and Romany Gypsies, who could reside where they chose; they enjoyed the same rights as other nationals. He further stated that a great number of legal proceedings had been instituted. The penal provisions in the law on temporary employment were strict and provided for imprisonment for up to two years. That was, he explained, to protect migrant workers without work and residence permits, since they were in particular danger of exploitation by not being able to seek protection from the authorities without fear of measures against themselves. The competent authorities had grounds for believing that illegal employment of aliens was decreasing as a result of measures taken by those authorities.

318. With reference to article 6 of the Convention, the representative regretted that the report had not been sufficiently clear on the questions of compensation for discrimination and stated that, under the Federal Republic of Germany's civil law, there was no special provision for compensation in cases of racial discrimination: the general rules applied. But there was a special law concerning the victims of Nazi discrimination and the holocaust: the Federal Compensation Act. Under that Act, the victims had received compensation payments for harm they had suffered, especially personal injury. He further stated that the Sinti and Romany Gypsies had been persecuted for racial reasons under the Nazi régime and, like all people who had suffered during that time, they had the right to claim compensation under that Act. They had done so and compensation had been paid to them in large amounts.

Cuba

319. The eighth periodic report of Cuba (CERD/C/158/Add.4) was considered by the Committee at its 845th and 846th meetings, held on 17 August 1989 (CERD/C/SR.845 and 846).

320. The report was introduced by the representative of the State party, who emphasized that discrimination of any kind was alien to the very philosophy of the Cuban Revolution, as could be clearly seen in the economic and social changes that

had taken place in the country since 1969. The provisions of the Convention as well as those of the International Convention on the Suppression and Punishment of the Crime of *Apartheid* had been incorporated into Cuba's national legislation. Furthermore, Cuba continued to demonstrate its solidarity with the oppressed people living in South Africa, Namibia and Arab territories occupied by Israel, and fully supported the national liberation movements fighting against all manifestations of racial discrimination and *apartheid*. In this connection, she drew the Committee's attention to the role played by Cuba in the talks that had led to the signing of the tripartite agreement ending the conflict in south-western Africa and promoting the independence of Namibia. Lastly, she highlighted several aspects of the new Penal Code, which had entered into force in April 1988, and stated, in particular, that it had introduced punishment other than deprivation of liberty with a view to reducing the prison population and that, as a result, 20,000 prisoners had been released and the sentences of 12,000 others had been reduced.

321. Members of the Committee took note with satisfaction of the report and commended the representative of the State party on its presentation. The Cuban authorities were also congratulated on having provided much detailed information demonstrating their will to implement as many provisions of the Convention as possible. Further information was sought concerning the demographic distribution of the population and the languages spoken in Cuba. With reference to the third congress of the Cuban Communist Party in 1988 it was observed that only 18 per cent of the members of the Central Committee were black or of mixed race. In this connection, questions were asked on the practical situation faced by mixed and black people in Cuba. One member also asked whether Cuba's involvement in an ethnic conflict in Ethiopia was compatible with its concept of human rights. Lastly, it was inquired whether the Government of Cuba might be willing to make the declaration under article 14 of the Convention.

322. In connection with article 3 of the Convention, Cuba's role in the struggle against racism and *apartheid* was highly commended.

323. With regard to article 4 of the Convention, clarification was sought concerning the definition of "anti-social acts" mentioned in the report. Information was requested on the penalties provided in article 349 of the Penal Code and it was asked whether there had been any cases in which those penalties had actually been imposed. It was also noted that according to the report there were no reasons for the occurrences of the offences under article 4 of the Convention. In that regard, it was recalled that such provisions as Cuba had taken under article 4 of the Convention were necessary, bearing in mind that discrimination sometimes manifested itself indirectly and that, even if there were no racial discrimination in a country at a given time, no one could predict that unfortunate events would not alter that situation in the future. With regard to the provisions of the new Penal Code, further information was sought, in particular on the measures taken against illegal abuses of office by certain groups.

324. In connection with article 5 of the Convention, members wished to receive additional information on the conditions of detention in Cuba. It was asked whether those families who had been allowed to emigrate to the United States would be able to visit Cuba, and whether Cubans were permitted to choose and change their employment in accordance with the relevant ILO Convention. Further information was also sought on the implementation by Cuba of the rights to freedom of religion and of assembly and association, and also on the report of the group of the Commission on Human Rights that visited Cuba in 1988.

325. Members of the Committee said they would like information on the implementation of article 6 of the Convention.

326. With reference to article 7 of the Convention, members asked whether specific courses on the concept of human rights were provided for students, police officers and members of the legal profession, how the International Day for the Elimination of Racial Discrimination was observed, and what the requirements for access to higher education were. Further information was also requested on the advance placement of students in employment.

327. Replying to questions raised and observations made by members of the Committee, the representative of the State party explained that Cuban society was a mixture of different ethnic groups. The elimination of ethnic barriers in the social structure of Cuba was enshrined in its legislation. The consistent application of the principles of anti-racism, equality and human solidarity demonstrated her country's commitment to the promotion of all sectors of the population, irrespective of their social or ethnic origin. Through social, economic and political measures, the Cuban population had become homogeneous in nature. In those conditions, it would not be possible to carry out a census of the various ethnic groups in Cuba, which would not serve any useful purpose. She added that her Government was currently conducting a study on the possibility of making the declaration under article 14 of the Convention. Replying to questions raised in connection with the third congress of the Cuban Communist Party, she agreed that Cuba had a disproportionate number of black prisoners and that blacks remained the poorest sector of Cuban society. However, she explained that this situation did not reflect racial discrimination but was the product of social conditions that Cuba was endeavouring to improve. With regard to questions on Cuba's participation in ethnic conflicts, she stated that the Cuban intervention was not contrary to the Convention and that Cuba had merely responded to requests from the Governments of Angola and Ethiopia.

328. In connection with the implementation of article 4 of the Convention, the representative explained that the "anti-social acts" referred to in the report were acts that ran counter to established standards and national legislation at a given moment and that judges took into account in determining a penalty. Article 349 of the Penal Code prohibited and punished discrimination, while article 128 of the Penal Code characterized *apartheid* as an offence carrying severe penalties. She nevertheless emphasized that no one had ever been charged in connection with that offence. She added that past abuses on the part of some Government employees had created the need for the inclusion in the new Penal Code of the offence of misuse of authority.

329. Replying to questions raised in connection with article 5 of the Convention, the representative of the State party stated that the Cuban penitentiary system was based on respect for human dignity and that all prisoners had employment, medical care and the right to receive visitors. She added that those who sought to leave the country did not share the aims of the revolution and that they were, in fact, criminals and could not be permitted to return to Cuba, although some exceptions were made on humanitarian grounds. As concerned the report of the group of the Commission on Human Rights that had visited Cuba in September 1988 at the invitation of the Government, she stated that the group had received more than 1,600 complaints, 87 of which had been made orally. She emphasized that the visit had been an unprecedented event and that it had shown the Cuban Government's concern for the protection of human rights and fundamental freedoms.

330. Referring to other questions raised in connection with article 5 of the Convention, the representative pointed out that more than 1,600 different associations were registered in the country. All associations were required to respect the provisions of the Constitution and the Penal Code laid down penalties for violations of the law on equality or threats to the freedom of others. Concerning the right to freedom of religion, she explained that relations between Church and State were currently being improved and that, as was shown in the book "Fidel and Religion", positive results had already been achieved. Alternative forms of service were now available to conscientious objectors. She underlined, however, that religious propaganda should not hamper the Government's social welfare programmes. Lastly, she stated that there was no discrimination with regard to employment and that salary levels were determined solely on the basis of skills and qualification in accordance with ILO Convention No. 111.

331. Replying to questions asked about article 7 of the Convention, the representative emphasized that the Cuban population had access to, and was acquainted with, the provisions of the international human rights instruments. Although there were no specific courses on the concept of human rights, the entire Cuban education system aimed to promote respect for human rights and fundamental freedoms and to heighten awareness of the interdependence of economic, social and cultural rights. The concept of human rights and, consequently, racial discrimination were also the subject of university and post-graduate papers in various educational institutions of the country. Lastly, she emphasized that entry into university was on the sole basis of examination results and that primary and secondary school pupils who were interested in a particular occupation had the opportunity of joining a club to develop their interest.

Luxembourg

332. The fifth periodic report of Luxembourg (CERD/C/155/Add.2) was considered by the Committee at its 846th meeting, held on 17 August 1989 (CERD/C/SR.846).

333. The report was introduced by the representative of the reporting State, who expressed his willingness to provide any further information that might be requested by the Committee.

334. Members of the Committee welcomed the fifth periodic report of Luxembourg, which they said was a further illustration of the country's outstanding record in the observance of human rights.

335. With reference to article 2 of the Convention, members asked for clarification on the direct applicability of international treaties within the country's legal system, particularly since there appeared to be a contradiction in the report on the applicability of the Convention.

336. With regard to article 3, members congratulated the Government on the various restrictive measures taken, in conjunction with the European Communities, against *apartheid*. They wished to know, however, whether Luxembourg had any trade or diplomatic relations with South Africa, and whether the Government could provide any relevant information that had become available since the submission of the report.

337. Several questions were raised, under article 5, on the situation of aliens and foreign workers in Luxembourg. Members sought clarification on the right of

foreigners to vote or hold public offices. They also wished to know if a distinction was made between State and local elections.

338. Turning to article 14, members requested the Government of Luxembourg to study the declarations made under this article by other States parties, and to consider whether they could also make the declaration.

339. Finally, members suggested that the next periodic report of Luxembourg should be a brief, updating document, and that the seventh periodic report should be more comprehensive.

340. In response to questions raised, the representative informed the Committee, with respect to article 2, that all ratified international treaties formed an integral part of, and were fully operational in, the domestic legal system of his country. Therefore, in any conflict between domestic law and the Convention, the provisions of the Convention would prevail.

341. Responding to questions on article 3, the representative stated that his country had limited diplomatic relations with South Africa, which were intended to influence that Government to abandon its apartheid policies. He was unable to provide figures on trade relations between the two countries, but stated that his Government strongly discouraged such relations. The representative confirmed his Government's consistent condemnation of apartheid. He also confirmed that he would transmit to his Government the Committee's request for further relevant information since the submission of the report.

342. With reference to questions on article 5, the representative stated that the large number of foreigners living in Luxembourg made the situation a special one. He said that a law had been adopted in December 1988 which envisaged that, in communities where foreign residents formed more than 20 per cent of the population, councils would be set up, with both national and foreign members, to consider the conditions of foreign residents. He informed the Committee that foreigners could be employed in the public service without actually becoming public officials, and stated that 25 per cent of the staff on the Ministry of Foreign Affairs were foreigners. He emphasized that the situation regarding foreigners would continue to be given serious consideration by his Government; one of the possible results of this could be an eventual distinction between State and local elections.

343. The representative assured the members that he would inform his Government of the importance the Committee attached to article 14 of the Convention, and would inform them of the result of any decision taken on this subject.

Chile

344. The Committee considered the eighth periodic report of Chile (CERD/C/148/Add.4) at its 846th meeting, held on 17 August 1989 (CERD/C/SR.846).

345. In introducing the report, the representative of the State party reaffirmed the attachment of the Government of Chile to the values established in the Convention and its confidence in the dialogue with the Committee. Racial discrimination was totally unknown in Chile, where all the fundamental human rights were recognized for all the country's inhabitants without exception. In addition, the country's foreign policy was based on the principles of equality and Chile was a party to numerous instruments whose purpose was to guarantee the absence of

racial discrimination and that condemned all forms of racism. Chile had always condemned racism, the apartheid régime, the bantustanization policy and discrimination in general.

346. Chile had no social categories based on ethnic origin, culture or religion. The descendants of the indigenous populations today enjoyed the same rights as all the citizens of the Republic and were also given special assistance by the Government, which had already been described in detail. In that context, he informed the Committee about the relevant legislation and the institutions and associations aimed at promoting the development of the indigenous populations.

347. During the transitional period provided for in the 1980 Constitution, the Government had striven to create the institutions required for the full restoration of a democratic and pluralist régime, in preparation for the presidential and legislative elections scheduled for 11 March 1990.

348. He informed the committee of the arrangements for and results of the plebiscite that had taken place under the best possible conditions of openness in October 1988. He also drew attention to the visits, beginning in 1985, of the Special Rapporteur of the Commission on Human Rights, which had marked the resumption of the Chilean Government's co-operation with the United Nations. Mr. Volio Jiménez's seven reports showed that real progress had been made and that the situation had improved appreciably, although much still remained to be done both by the Government and by the opposition.

349. The state of emergency and the state of alert had been lifted once and for all throughout the country by supreme decrees of the Ministry of the Interior dated 27 August 1988. With the end of the states of emergency, the country had entered a phase of legal normalization in which all the constitutional provisions concerning human rights and fundamental freedoms were fully applied.

350. Members of the Committee, after thanking the Government of Chile and its representative for the eighth periodic report and the additional information provided, drew attention to the position repeatedly adopted by the United Nations bodies with respect to violations of human rights by the military Government during the last decade and pointed out that this situation had also been a source of serious concern for members of CERD since they felt that the violations of human rights had affected the implementation of the Convention by the Government. In this regard, members recalled Commission on Human Rights resolution 1989/62 of 8 March 1989, in which the Commission had once again expressed concern over the serious violation of human rights and had requested the Government of Chile to put an end to this situation and to take appropriate measures for the restoration of the rule of law in Chile as well as for the protection and promotion of human rights and fundamental freedoms. It was also remarked that, in view of the consequences of the situation that had prevailed in Chile some years previously, there was reason to doubt the veracity of the information furnished by the Government of Chile concerning the protection of human rights. At the same time it was said that some improvement had been noticeable in the past few months.

351. Concerning article 2 of the Convention and referring to the latest report of the Special Rapporteur of the Commission on Human Rights, members asked for more detailed information on the real land-ownership situation of the Mapuche. With respect to the free legal assistance granted to indigenous populations, they requested more detailed information on the type and number of cases dealt with by

the lawyers who defended such persons and on the question whether those lawyers would defend the indigenous populations free of charge in cases other than the land cases mentioned in paragraph 20 of the report. They also asked for information on the participation of the Mapuches, the Aymaras and other indigenous minorities in the two plebiscites held in 1988. Members requested that the Government of Chile should provide in its next periodic report complete information on the demographic composition of the country in general and of the indigenous population in particular.

352. With respect to the application of article 3 of the Convention, members observed that paragraphs 34 to 37 of the report were rather vague and did not address earlier questions of the Committee; that Chile was the South American country with the closest links with South Africa; and that Chile had diplomatic, commercial and even military relations with that country. They wished to know whether the Government of Chile had, since its previous report, made any effort to prevent or eliminate apartheid practices in South Africa and whether it intended to curtail or perhaps even to abandon its relations with South Africa.

353. Concerning article 4 of the Convention, members again asked the Government of Chile for information on the legislative, judicial, administrative and other measures that it had taken to implement the provisions of article 4, especially with a view to repressing any incitement to racial discrimination and all dissemination of ideas based on racial superiority or hatred. It was pointed out that a bill intended to give effect to the article had been under study for 16 years, despite which the Government of Chile continued to assert that it had fulfilled all the obligations that it had contracted under the Convention.

354. With respect to article 5 of the Convention, members expressed the hope that the new Government that was expected to be appointed in December 1990 would explain in the ninth report what measures the country had taken to ensure the enjoyment without discrimination of the civil and political rights mentioned in the article.

355. Regarding article 6 of the Convention, members, after noting the inefficacy of the procedure of amparo, remarked that a new administrative procedure had been adopted for reviewing the ban on the return of numerous Chilean exiles to their country and requested additional information about it. It was suggested that specific information should be given in the ninth periodic report on the new measures taken better to ensure the application of the provisions of article 6.

356. Members, referring to article 14 of the Convention, suggested that the new Government could inform the Committee whether it would recognize the Committee's competence to consider communications from individuals or groups claiming to be victims of acts of racial discrimination.

357. Replying to members' questions and comments, the representative of the State party admitted that it would be better not to assert that no racial discrimination existed in Chile and that his Government should gradually take measures to combat such discrimination.

358. He provided the Committee with additional information concerning land ownership by the indigenous populations, mentioning in particular that 100,000 hectares of land had been distributed to Mapuche families in recent years. Measures had been taken to improve the situation and they had been approved by all the members of the Mapuche reserve. Those various measures had not changed the

farming system in any way but had enabled the Mapuches to receive 71,000 individual titles of ownership in 1988, as a result of which they were now able to obtain various forms of assistance. Between 1983 and 1989 such assistance had amounted to 270 million Chilean pesos. With regard to the participation of the indigenous populations in elections, they could vote under the same conditions as other Chileans. In the latest elections, there had been a very low rate of abstentionism, which proved that the majority of the population was interested in the elections and prepared to take part in them.

359. In response to questions about the application of article 3 of the Convention, he explained that diplomatic relations between Chile and South Africa were normal. As for the alleged joint military exercises between the two countries, he had never heard of them. No doubt there were cultural and tourism exchanges organized by private agencies, but the Government had no connection with their activities.

360. With respect to the application of article 6 of the Convention, it was indeed unfortunate that the law was silent on the subject of incommunicado detention and the Government should examine the matter with a view to taking measures to rectify the situation.

361. In conclusion, the representative of the State party said that he would convey all the questions raised by the members of the Committee to his Government so that it could reply to them in its next periodic report.

Cyprus

362. The ninth and tenth periodic reports of Cyprus (CERD/C/149/Add.24 and CERD/C/172/Add.23) were considered by the Committee at its 847th meeting, held on 18 August 1989 (CERD/C/SR.847).

363. The reports were introduced by the representative of the State party, who pointed out that, since its independence, Cyprus had sought to protect and promote human rights and fundamental freedoms and had pursued a consistent national and international policy of combating racial, ethnic, religious, linguistic and all other forms of discrimination. Referring to article 3 of the Convention, he stated that the *apartheid* régime was an affront to human civilization and that Cyprus had repeatedly called for its abolition within various international bodies. He further emphasized that, following the comments made on article 4 of the Convention by members of the Committee during the consideration of its previous report, measures to fill the gap in the legislation were currently being prepared by the Government. He also explained that the Government made every effort to implement article 7 of the Convention, and used the mass media to publicize the principles of the Convention and the work of the Committee. He nevertheless emphasized that, despite the Committee's decision 1 (XXVII) of 21 March 1983, 37 per cent of the territory of Cyprus remained under foreign occupation, that approximately 200,000 Greek Cypriots were still unable to return home and that flagrant violations of human rights were committed in the occupied territories. Moreover, owing to this situation, the implementation of article 5 of the Convention gave rise to serious concerns, in particular, with regard to the rights referred to in article 5 (d) (i) and (v). Lastly, he referred to the talks currently held under the auspices of the Secretary-General of the United Nations and expressed the hope that it would prove possible to secure the human rights and fundamental freedoms of all Cypriots.

364. Members of the Committee congratulated the Government on its comprehensive report, which provided answers to many questions relating to the implementation of the Convention. It was highly gratifying that Cyprus was complying with its reporting obligations under article 9 of the Convention and was continuing its dialogue with the Committee, especially in view of the problems faced by that country. In that connection, members of the Committee once again wished to express their concern at the continuing state of affairs in Cyprus resulting from foreign occupation of a part of its territory and reiterated their expectation and hope that the current talks taking place under the auspices of the Secretary-General would succeed in achieving a just and lasting solution. This would enable the Government of Cyprus to exercise full responsibility for the implementation of its obligations under the Convention over all its national territory. Further information was also sought concerning the status of the negotiations held under the auspices of the Secretary-General.

365. With regard to article 4 of the Convention, members of the Committee welcomed the fact that the Convention was directly applicable and legally enforceable in Cyprus. It was observed with satisfaction that existing gaps in the legislation were soon to be filled. There was, however, some doubt as to whether article 47 of the Penal Code, which referred to "seditious intention", complied with the requirements of article 4 of the Convention. In this connection, additional information was requested on the studies undertaken by the Government in these matters.

366. In connection with article 5 of the Convention, it was inquired whether the provisions of the Constitution according to which members of religious groups were required to opt for one of the two constitutionally recognised communities of the Republic had led to any difficulties.

367. Replying to questions raised and observations made by members of the Committee, the representative of the State party stated that the President of Cyprus and the Leader of the Turkish Cypriot community had met the Secretary-General in New York on two occasions and that a third meeting was scheduled to take place in the near future. Although no substantive results were to be reported to date, his Government fervently hoped that the negotiations would yield results in the form of an outline draft agreement. In this connection, he thanked the Committee for the sympathy and concern it had expressed at the continuing situation in Cyprus.

368. With regard to the questions concerning the implementation of article 4 of the Convention, the representative emphasized that appropriate measures would be drawn up and enacted as soon as possible, upon completion of a study of legislation in other States parties.

369. With regard to article 5 of the Convention, he explained that Maronites, Armenians and Latins had fully exercised their rights under article 2 of the Constitution and had opted freely to belong to the Greek community, and that no problems had arisen from the exercise of that option. Finally, the representative of the reporting State said that all comments made by members of the Committee would be taken into account by his Government in preparing the next report.

Burundi

370. The third, fourth and fifth periodic reports of Burundi, submitted in one document (CERD/C/145/Add.1), were considered by the Committee at its 847th and 848th meetings, on 18 August 1989 (CERD/C/SR.847 and 848).

371. The report was introduced by the representative of the reporting State, who stated that the Constitution of the Republic of Burundi, adopted in 1981, confirmed its determination to ensure protection of the dignity of the human being and the recognition and protection of human beings and people's rights.

372. He stated that his Government remained convinced that *apartheid* was a negation of the universal principles of equality of all human beings. His Government did not maintain diplomatic, military, economic or other relations with the South African régime. He further explained that the Burundi Movement for Support to Southern Africa, set up in 1984, contributed to the international campaign against *apartheid* and informed public opinion about the crimes of *apartheid* and misdeeds of racial discrimination.

373. The representative of the reporting State said that through its regulatory and legislative system as well as in its administration and legal practice, his country showed its attachment to the universally recognized value of equality of all rights and obligations without distinction as to sex, origin, colour or race. The Penal Code of Burundi prescribed penalties against racial or ethnic aversion.

374. He stated that since 3 September 1987 Burundi had been living in an era of change with the commencement of the Third Republic. Among the many reasons for the change was the concern to ensure better respect and protection for the physical and moral integrity of the human being and for his property, and to establish social justice for all.

375. He said further that the events in the north of the country, which in August 1988 had resulted in massacres, had sprung from external aggression and were in no way a problem of the domination of one ethnic group over another. Since the events of Ntega and Marangana in August of last year, the Third Republic had broadened the Government to include persons from both major ethnic groups and had established a commission to study the question of national unity. The Commission had published its recommendations on 13 May 1989, and had advocated, in particular, the adoption of a new constitution and a charter of national unity as well as a more open access to public employment. In this regard, the representative of the reporting State informed the Committee that a more detailed explanation of the positive developments in his country would be presented in the sixth periodic report.

376. Members commended the reporting State and said that in spite of the major changes that had taken place since the report was prepared, the Government had not withdrawn the report that had been submitted by the previous régime, but had chosen to press ahead and to inform the members candidly and honestly about the developments since 1987. Members thanked the representatives of the reporting State for their honest and straightforward description of the current situation in their country. It was observed that the representative of Burundi had not concealed the ills of the past and the fact that massacres had taken place.

377. The Committee pointed out that the reports had not provided further answers to questions raised by members when the second report was considered. In this respect, it was hoped that the sixth periodic report would contain a detailed account of actions taken as a result of the recommendations made by the National Commission. A member observed that if Burundi was to achieve reconciliation, it must at the very least ascertain whether in the massacres of August 1988 any soldiers were given unlawful orders and which soldiers were responsible for atrocities. Those apparently responsible should be brought before appropriate tribunals. A member wished to know if there had been any prosecutions in connection with the prohibition of incitement to racial hatred.

378. It was observed by several members that the most serious problem in Burundi would be to combat discrimination, particularly in the army, public administration and in education. One member maintained that, if Hutu confidence was to be gained, the Government would need to publish for the army, and for other State institutions, specific goals and monitoring procedures. Members requested that the next periodic report should provide information also on the demographic composition of the country.

379. Members noted that the previous Government had failed to pay its annual assessed contributions under the International Convention on the Elimination of All Forms of Racial Discrimination. The new Government could demonstrate its good intentions by rectifying that situation and also by making the declaration under article 14 of the Convention.

380. In response to questions raised and observations made by members of the Committee, the representative of Burundi stated that the fundamental objective of the Third Republic was the reconciliation of the people of Burundi. He said that in Burundi, the ethnic question was the subject of a debate at all levels and sectors of the society; it was no longer a taboo question. From top to bottom, dialogue was the keyword of the new régime.

381. He said that the events in August 1988 had been caused by extreme elements, mostly from outside, who had incited the people to commit atrocities. The army had intervened to restore order; without the intervention of the army, the representative asserted, the country would probably have been destroyed. He pointed out that the majority of those who had fled from the country had heeded the call of the Government and had voluntarily returned. He said that by May this year only about 956 persons out of 48,000 refugees had not yet returned. The returnees had returned to their villages, and regained their houses and employments.

382. He further stated that the composition of the Military Committee, to which members of the Committee had referred as being exclusively composed of Tutsis, was due to the fact that there were no senior Hutu officers in the army since 1972. He stated, however, that with the new policy of the Third Republic to include Hutus in all sectors of public life, the situation would soon be rectified. The Government of Burundi was fighting from several fronts: regionalism, tribalism, as well as the problems of a land-locked country. As long as these questions had not been regulated and the mistakes of the past had not been corrected, it could be difficult to achieve national unity.

383. The representative of the reporting State informed the Committee that the Government had decided to take measures to ensure that such massacres would not happen again in the future. He said that the questions raised and observations

made by the members would be transmitted to his Government and would be taken into account in the preparation of the next periodic report.

384. As regards the non-payment of its assessed contributions under the Convention, he said that the delay was not due to lack of will on the part of the Government, but probably to lack of means, since Burundi was a poor country. He assured the members, however, that all would be done to ensure that the assessed contributions were paid.

Sweden

385. The eighth and ninth periodic reports of Sweden (CERD/C/158/Add.7 and CERD/C/184/Add.1) were considered by the Committee at its 850th and 851st meetings, on 21 and 22 August 1989 (CERD/C/SR.850 and 851).

386. The reports were introduced by the representative of the reporting State, who described briefly the recent major developments that had occurred in his country. The post of Ombudsman against Ethnic Discrimination, established in July 1986, had the task of counteracting ethnic discrimination in the workplace and in other areas of Swedish society. At the same time, an Advisory Committee on Ethnic Discrimination had been set up to advise the Ombudsman on matters of principle, propose changes in legislation and consider particular cases of racial discrimination. A Commission against Racism and Xenophobia had also been established, the aim of its work being to discover, and promote, the measures needed to combat racism and xenophobia; the Commission's final report was at present being studied by the Government.

387. The representative also recalled that an amendment to the Penal Code had been enacted in January 1989 to prevent the possibility of racist activities occurring within organizations. Furthermore, a recent act concerning security of employment prevented the dismissal of an employee on grounds of ethnic origin. In this connection, the representative referred to a booklet, published jointly by various labour bodies and the Government and dealing with the integration of immigrants into the labour market, copies of which had been distributed to the members.

388. The representative described the measures taken by Sweden against South Africa since the submission of the eighth periodic report, in 1987, which included prohibitions or restrictions on trade, investments, the transfer of technology, munitions and related material, and on air traffic and shipping. Furthermore, contacts in the fields of sport, culture and science had been restricted in accordance with the recommendations in the Nordic Programme for Action against South Africa.

389. Members of the Committee expressed satisfaction at the frank and comprehensive information provided in the reports and by the Swedish representative. They stated that the eighth report in particular, which was marked by a spirit of self-criticism and acknowledgement of unresolved problems, could serve as a model for the presentation of reports to the Committee. Members welcomed the establishment of the post of Ombudsman, the Advisory Committee and the Commission referred to by the representative. They recalled, in particular, that the institution of Ombudsman had been originally created by Sweden.

390. Members noted, however, that some of the questions raised on the seventh periodic report remained unanswered, specifically: the training given to public

officials, including the police, and whether incidents of children being removed from unfit mothers occurred more frequently among ethnic minority children.

391. Turning to specific articles of the Convention, members asked whether equality of treatment was given to immigrants from Nordic and from non-Nordic countries on the one hand, and to immigrants from different countries in Europe or elsewhere on the other. Noting that the words foreigners, immigrants and refugees had been used in the report, it was asked whether different treatment was applied in each of those categories.

392. With reference to article 2, members wished to know how many of the 20,000 people seeking refuge in Sweden in 1988 had been granted asylum, and also how many were granted asylum because they had relatives already living in the country.

393. Members acknowledged the persistent endeavours made by Sweden to eliminate apartheid, but they asked, under article 3, whether the volume of trade with the Pretoria régime had increased or decreased over the last five years.

394. Several questions were raised in connection with Sweden's implementation of article 4. While noting that the amendments to the Penal Code concerning racial discrimination were commendable, members referred to the statement in the eighth report on the reluctance to punish members of organizations pursuing racist policies, and the opinion expressed that legislation was unnecessary in this area. Members stressed that, on the contrary, legislation to ensure the prevention, as well as the punishment, of racist activities was essential for the full implementation of the Convention. They emphasized that the adoption of legal prohibitions on racist organizations was an obligation placed on all State parties to the Convention. Members also asked whether limitations to the right of freedom of expression and the freedom of the press, with particular reference to discrimination, had been discussed in the Swedish parliament. They also wished to know whether the limitations in the Penal Code on incitement to rebellion also referred to military personnel; and whether an alternative to military service existed in Sweden for conscientious objectors.

395. Members asked a number of questions with particular reference to article 5 of the Convention. Clarification on the compulsory or non-compulsory nature of religious education was sought. Members asked whether an atheist student would be compelled to participate in religious services, and whether the Compulsory School Curriculum described in the report, was compatible with the concept of separation of church and State.

396. Members requested information on whether schools for the Sami people were administered by the Samis themselves, and also on the percentage of their participation in local administration. Members wondered why the teaching of native languages was not compulsory in schools, and asked whether such teaching was organized by the immigrants or by the State. Furthermore, they asked for details on the level of education attained by children of ethnic minorities.

397. Clarification was sought on whether the right to work was guaranteed under Swedish law; whether the recruitment, as well as the dismissal, of people of ethnic origin was protected; and whether compensation existed if racial discrimination was found to have occurred in the workplace. The question was asked whether opportunities existed for gypsies, and other groups, who had lost their traditional

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occupations to be trained for other employment. Information was also requested on the housing conditions of immigrants.

398. With reference to article 6, members raised various questions on the establishment of an Office of the Ombudsman against Ethnic Discrimination. They asked whether the post was an enlargement of the protection of human rights or a new procedural institution. Members stated that the scope of the post appeared narrower than that of Ombudsman in other fields, for example sexual discrimination, and asked whether the Ombudsman could initiate procedures against acts of racial discrimination, as well as proposing amendments to relevant legislation. Members expressed puzzlement as to why employers should not be unnecessarily burdened by an obligation to provide information to the Ombudsman, and asked for details of the special reasons for exemption from such obligation. They wished to know whether the post was a political appointment, and whether there was an overlap between the functions of the Ombudsman, the Advisory Committee and the Commission.

399. Members asked whether prisoners were protected under Swedish law from racial discrimination in prison and whether the necessary recourse procedures existed regarding compensation for unlawful treatment.

400. In connection with article 7, members noted that a licence to broadcast on neighbourhood radio stations was only temporarily withdrawn following a conviction of racial discrimination. Members asked about the root causes behind such racist activity and how such radio stations disseminated racist propaganda. They also wished to know whether there were non-governmental groups active in encouraging communication between different ethnic groups in Sweden, who often adopt racist attitudes towards each other.

401. Finally, members requested that specific information should be included in the tenth periodic report on whether legislation to prevent discrimination in the labour market was being considered by the Government; on the influence of the mass media and political leaders on attitudes of racist hostility; on whether current criminal proceedings were effective in reducing the incidence of racial discrimination; and on the possible consequences of residential segregation.

402. Responding to questions raised by members of the Committee, the representative stated, with reference to article 1, that immigrants from Nordic countries were given more favourable treatment than those from other countries; but this was considered a positive and permissible discrimination under the Convention as those countries had a common labour market and their citizens were entitled to work or reside in any of the Nordic countries. He stressed, however, that immigrants from all other countries were given equality of treatment.

403. With reference to article 2, the representative stated that of the 20,000 refugees seeking asylum in Sweden in 1988, 16,000 were granted residence permits. A further 15,000 refugees, related to people already living in the country , were granted asylum, making a total of 33,000 residence permits being granted that year.

404. The representative declared that as the questions raised under article 3, trade relations with South Africa, deserved a thorough examination, a more detailed response would be given in the next periodic report.

405. In response to the various questions raised under article 4, the representative pointed out that Swedish law had, since 1966, contained permission

for conscientious objectors to undertake an alternative service to military service. He added that Sweden had taken an active part in legislation in this field in other countries.

406. He explained that freedom of association had a long history in Sweden, although the law did not contain a formal requirement for the formation of associations. He said that the introduction of a prohibition in this area would break with a long tradition not to interfere in such matters. He stressed, however, that racial discrimination within organizations had been thoroughly condemned in his country. He informed the Committee that the right to freedom of expression was guaranteed under the Constitution, but it was not an unlimited right and could be restricted in matters concerning the defence of the realm, the national economy, public order and security, the integrity of the individual, the sanctity of privacy and the prevention or prosecution of crime. However, agitation against ethnic groups would be considered a permissible limitation on the freedom of expression. With regard to the freedom of the press, also guaranteed under the Constitution, he explained that it would be possible to punish those responsible for printing or broadcasting statements of racial discrimination or contempt.

407. Responding to the many questions raised under article 5, the representative said that as freedom of religion was now guaranteed in Sweden, religious education was made compulsory for the benefit of children and to ensure that no child was excluded from religious education. As a general rule, exemption from such education was always granted if a pupil belonged to a religious community that organized its own religious education, such education not being arranged by the State. He added that the report clearly indicated that religious education was not compulsory for people without religious beliefs. He said that the matter of exemption from religious education would be elaborated more clearly in the next periodic report.

408. The representative declared that the Compulsory School Curriculum was considered compatible not only with Sweden's international obligations but also with the relationship between church and State, which, historically, had always had close ties. This question was being discussed at present in Sweden and many people believed there should be such a separation, but it was an intricate and difficult issue as the ties between church and State were very old.

409. Regarding the Sami people, the representative stated that they had two equivalent educational choices, the regular schools or Sami schools, the latter being headed by a special Sami Board, with the Samis holding the majority of posts. The Swedish Law Commission had also proposed that a new body be created to exercise some measure of influence in this important field and had recommended that the Sami representatives on the present boards should be appointed to the new body. He added that of the estimated 15-20,000 Sami people in Sweden, most chose to live in the major cities and only around 2,700 continued to take part in reindeer herding, thus it was difficult to say how many in this small population took part in local administration.

410. He explained that although the Government was concerned to keep the various native languages of ethnic groups alive, it could not force people to compulsory education in those languages. Possibilities to do so were offered, but parents and children had the right to choose not to accept them.

411. The representative was unable to give precise details on the level of education of immigrants as the latest influx had not yet reached university level. He felt sure, however, based on the achievements of earlier immigrants who were now prominent Swedish citizens, that the children of the present immigrants would achieve the same level. He emphasized that the Government was fully aware of the importance of giving immigrants the same educational opportunities as those given to the children of Swedish nationals.

412. The representative said that the right to work was not guaranteed in Sweden. The present rate of unemployment was very low, which he said mirrored the Government's endeavours to create as many opportunities for work as possible. He informed the Committee that ethnic groups who had lost their traditional occupations could, like all other unemployed people, apply for labour market training organized by a special governmental board. In addition, the Government provided other kinds of economic support for all unemployed people.

413. The enormous influx of immigrants in recent years had created housing difficulties in Sweden. Although efforts had been made to place such people throughout the country, most preferred to live in the major cities, which added to the housing shortage.

414. With reference to the questions raised under article 6 on the post of Ombudsman, the representative stated that the Government's original intention was not that he should act in the same capacity as other Ombudsmen, but was rather to test whether the post was a workable method to tackle the problem of racial discrimination. The fact that the Ombudsman had no right to obtain information from employers was because there may be certain situations where the employer should not have to give information, i.e. in matters of foreign affairs, defence of the realm or privacy of the individual. The post was not a political appointment and was totally independent. Although the Government appointed the person to the post, he had to exercise his responsibility under the law. The functions of the post did overlap with that of the Advisory Committee and the Commission, but this should be seen as evidence of the Government's serious approach to the problem and of its efforts to find the best solution to it.

415. Regarding the question of recourse procedures and compensation for acts of racial discrimination, the representative said that the Ombudsman had not yet had to deal with any complaints in this field. If such acts occurred, then other measures would be taken. On the question of recruitment of people of ethnic origin being protected, he said that this was a difficult concept since it could result in the recruitment of the entire labour market coming under the aegis of the courts; there was a mixed reaction to such a concept within the various labour bodies. He said that if claims of racial discrimination in the workplace or prison were made, there would be means of prosecuting persons accused of such offences.

416. With regard to questions on article 7, the representative explained that an Act on National Broadcasting had granted the large number of ethnic groups the right to apply for broadcast time. However, there had been cases where such groups had been found guilty of racial discrimination and in such cases fines or imprisonment were imposed and permission to broadcast could be withdrawn.

417. The representative stated that the Government was concerned about the possible risk of friction between ethnic groups and, in an attempt to avoid this, had created in 1975 an Advisory Council on Immigration Policy, attached to the Ministry

of Labour. This provided a forum for such groups to come together, and the right to freedom of association meant that they could also form their own associations. But it was impossible, he said, for the Government to control hostile feelings between ethnic groups, which may be based on past or present relationships between their native countries.

Nigeria

418. The Committee considered the ninth periodic report of the Federal Republic of Nigeria (CERD/C/149/Add.25) at its 851st and 852nd meetings, held on 22 August 1989 (CERD/C/SR.851 and 852).

419. The representative of the State party, introducing his report, said that during the period under consideration Nigeria had continued its efforts to protect the rights, dignity and worth of the human being, thus maintaining the tenets of the Convention on the Elimination of All Forms of Racial Discrimination. He drew the Committee's attention to the cases listed in the report, which demonstrated that citizens were able to go before the courts and that where judgements were adverse to the Government, it complied with them. He also drew attention to the information provided under article 5 of the Convention, which showed that efforts were being made to improve the living standards of ethnic groups, as well as housing and services, and to reduce unemployment.

420. Having noted that the report did not answer some of the questions raised during discussion of the previous report and did not fully comply with the guidelines elaborated by the Committee, members of the Committee sought further information on the country's current régime and the alliance between the military and civilian groups; on the nature of the relationship existing between the Armed Forces Ruling Council (AFRC) and the federal Government; on the demographic composition of the country, notably the relationship between Muslims and Christians and whether both groups participated in the Government. With reference to the issue of the creation of new states within the Nigerian federation, it was asked whether states would be established in response to ethnic, linguistic or religious demands and whether the information was available on the demographic composition and ethnic representation of existing states. It was also asked whether the system ensured that all ethnic groups were adequately represented in provincial governments. More detailed information was sought on the representation of various ethnic groups within each of two governing bodies - AFRC and the National Council of Ministers.

421. Members also wished to know when full civilian government was likely to be restored. At the same time, it was stated that the reporting of events up to 1986 in the ninth periodic report was to be commended and that the record of the Government that had come to power in the latter part of 1985 with regard to the implementation of the Convention bore no comparison to that of the administration it had replaced. It was noted that the rule of law was being upheld. The fear was expressed that the Committee was at times overstepping the bounds of what was required of it under the Convention by delving into general human rights issues, which were dealt with by other bodies. It was pointed out, with reference to the constant requests, addressed to developing countries in particular, for statistical data regarding ethnic and religious groups, that the establishment of rigid distinctions between such groups was not conducive to harmony and racial and religious integration. It was emphasized that the report covered the situation in Nigeria up to 1986, whereas most of the Committee's comments and questions related

to developments since that date and would consequently need to be answered by the representative of Nigeria or dealt with as soon as possible in the tenth periodic report.

422. With reference to article 2 of the Convention, additional information was requested on the implementation of provisions contained in paragraph (c) of that article; and on the measures being taken to defuse the "ethnic, religious and linguistic tensions" mentioned in paragraph 3 of the report.

423. With regard to article 3 of the Convention, it was declared that Nigeria played an outstanding role in the anti-apartheid movement and was an inspiration to others. However, details of the case of Dr. Patrick Wilmont, reportedly deported for criticizing Nigerian businessmen who had sold Nigerian oil to South Africa, were requested and it was asked what action had been taken against these businessmen.

424. As for the implementation of article 4 of the Convention, members regretted the report's failure to provide information on Nigeria's implementation of that article and the hope was expressed that the following report would contain such information as well as a response to the comments made in that connection by the Committee's members during the consideration of the eighth periodic report.

425. In connection with article 5 of the Convention, it was asked why the Government had removed Shariah from the list of debatable items in the Constituent Assembly, leaving it in the hands of the military; whether that decision complied with article 5 (d) (vii) of the Convention; what was the status of the Islamic Courts in the 11 northern Nigerian states and what was the possibility of their extension to other regions. With reference to the clashes between Muslims and Christians in Kaduna state in April 1987, additional information was requested on the treatment of the detainees and how quickly they had been brought before the relevant military authorities and on whether any action had been taken against the offending members of the security forces. The information was also requested on the judicial inquiry into the deaths of 24 convicts during a prison riot on 6 May 1987 in Benin prison. With reference to thousands of prisoners awaiting trial, it was asked what action was being taken to expedite those trials. The clarification of the phrase "acts prejudicial to public order" in paragraph 20 of the report was requested.

426. Further information was sought on the reason for the temporary ban that the Government had placed on the journal Newswatch on 25 April 1987 and on the actions taken by the Government against the National Association of Nigerian Students, the Nigerian Labour Congress and the Academic Staff Union of Universities in July 1988.

427. Having noted that the dual nationality of a number of citizens of Benino-Nigerian origin had increased the difficulty of combating illegal traffic in narcotics and in immigration, members wished to know whether any steps had been taken to resolve that problem and also requested an explanation of the presence of Cameroon troops in Bornu state and of the border clashes in that area. Members also wished to know whether there were any restrictions of any kind on the application of article 5 (d) (i) and (v) in any of the states of Nigeria and, if so, what reasons could be given; and what guarantees there were for the participation of representatives of all groups or tribes in the federal Government.

428. With reference to article 6 of the Convention, members noted that the report gave no details on its applications and asked what action was taken by the Government to assure the "effective protection and remedies" called for by that article, and to what extent the legal assistance to members of the indigenous populations, particularly in any cases of racial discrimination, was provided by the Nigerian Aid Council.

429. With regard to article 7 of the Convention, the hope was expressed that Nigeria would study the Committee's guidelines on that article and that its following report would provide a clear picture of the situation in the country.

430. The representative of the State party, replying to questions and comments from members of the Committee, assured them that all their observations would be duly taken into account by the Government of Nigeria, which, since its accession to power in 1987, had been untiring in its efforts to promote human rights. It was not right to describe Nigeria as a State torn by religious tension. Although Muslims and Christians lived side by side, there was a large number of animists in the country. Nigeria was a secular State whose 21 states had not been constituted on the basis of religious criteria. In that area, the country had made considerable progress and, in any case, the tensions that had arisen in the past had had an economic rather than a religious cause. He informed the Committee that Nigeria did not recognize dual nationality. As far as the Armed Forces Ruling Council was concerned, there was no provision requiring it to be composed of Christians or Muslims; every effort was made to achieve as equitable a representation as possible of the 21 states of the federation. The same principle applied to the National Council of Ministers. The Armed Forces Ruling Council was the supreme legislative organ of the country, while the National Council of Ministers was responsible for questions of policy. On the question of demographic data, measures had been taken with a view to holding a national census in 1991. The new Constitution would come into force in 1992 with the country's return to civilian rule; it would reaffirm the fundamental rights and principles proclaimed in articles 2 and 4 of the 1979 Constitution. The representative also provided some clarification of the parts of the report dealing with religious freedom.

431. In connection with application of article 4 of the Convention, the representative said that in the Nigerian Government's view article 50 of the Criminal Code ensured the application of article 4, since in its context the word "classes" should also be understood as including races. Nevertheless, an amendment to that article would shortly be made.

432. Referring to the questions relating to article 6 of the Convention, the representative said that in 1986, following the Committee's recommendation on the subject during its consideration of Nigeria's eighth periodic report, the Government had passed a decree to amend the Legal Assistance Act for the purpose of providing such assistance in civil cases as well.

433. Lastly, since the Committee had taken up consideration of the ninth periodic report of Nigeria three years after its submission, that report certainly needed to be updated. In its tenth periodic report, the Government of Nigeria would be expected to provide full information on developments during the past three years, as well as replies to questions asked during the consideration of the ninth periodic report.

Libyan Arab Jamahiriya

434. The sixth, seventh, eighth, ninth and tenth periodic reports of the Libyan Arab Jamahiriya, including supplementary information requested by the Committee at its nineteenth session and combined in a single document (CERD/C/172/Add.1), were considered by the Committee at its 852nd meeting, held on 22 August 1989 (CERD/C/SR.852).

435. The representative of the State party, introducing the report, said that the Libyan authorities continued to give support to the liberation movements in South Africa and in the occupied territories. Libyan legislation guaranteed equal treatment before the courts, in the health field and with regard to the right to leave the country and to return to it. With regard to the last point, the requirement for exit visas had recently been withdrawn. The right to education, health care and social protection were fully guaranteed and women enjoyed all political, economic and social rights. With regard to article 7 of the Convention, he said that a Conference on Racial Discrimination had been held at Tripoli from 23 to 26 November 1985 and that the Libyan Arab Jamahiriya was also contributing to the Trust Fund for the Programme for the Decade for Action to Combat Racism and Racial Discrimination.

436. The members of the Committee expressed their satisfaction with the report of the State party and the introductory statement by its representatives. They welcomed in particular the resumption of dialogue with the Libyan Arab Jamahiriya and expressed the hope that it would continue without interruption in the future. It was pointed out, however, that the report had not been drafted in conformity with the Committee's guidelines, that it did not deal with a number of questions raised earlier by members of the Committee and that it gave no detailed information on the actual situation in the country. In that respect, the hope was expressed that the next report would provide such details, in particular demographic data that would provide an overview of the situation.

437. With regard to implementation of article 3 of the Convention, it was regretted that, despite the exemplary part played by the Libyan Arab Jamahiriya in that field, no information on the measures taken to combat *apartheid* or on trading or other relations with South Africa appeared in the report.

438. Members asked for information on the steps taken by the authorities regarding implementation of articles 4 and 6 of the Convention. In particular, they asked what remedies were available to anyone complaining of racist acts and whether the provisions of the Criminal Code were in conformity with the provisions of article 4 of the Convention.

439. The members of the Committee also wished for more information on the application of article 5 of the Convention, and asked in particular what were the security reasons mentioned in the report that prevented a person from leaving the country.

440. With regard to article 7 of the Convention, members asked for detailed information concerning public education to combat racial discrimination and the measures taken to maintain harmonious relations among different population groups.

441. In his reply, the representative of the State party said that the Libyan population was a homogeneous one, having a single origin and a single religion,

namely, Islam; the problem of racial discrimination therefore did not arise. A few Christians were living in the country; they were respected and had the right to worship as they pleased. Furthermore the nationals of many countries were making a valuable contribution to the implementation of the country's development plans. Nationals of Arab countries did not require a visa to enter or to work in the Libyan Arab Jamahiriya.

442. With regard to implementation of article 3 of the Convention, the Libyan Arab Jamahiriya had no direct or indirect relations with South Africa and its airspace was closed to that country.

443. In conclusion, the representative of the State party said that although he had been unable to answer all the questions asked, they would be considered with every attention and would be answered in future reports.

IV. CONSIDERATION OF COMMUNICATIONS UNDER ARTICLE 14 OF THE CONVENTION

444. Under article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination, individuals or groups of individuals who claim that any of their rights enumerated in the Convention have been violated by a State party and who have exhausted all available domestic remedies may submit written communications to the Committee on the Elimination of Racial Discrimination for consideration. Twelve of the 128 States that have ratified or acceded to the Convention have declared that they recognize the competence of the Committee to receive and consider communications under article 14 of the Convention. 4/ These States are Costa Rica, Denmark, Ecuador, France, Iceland, Italy, the Netherlands, Norway, Peru, Senegal, Sweden and Uruguay. No communication can be received by the Committee if it concerns a State party to the Convention that has not recognized the competence of the Committee to receive and consider communications.

445. Consideration of communications under article 14 of the Convention takes place in closed meetings (rule 88 of the Committee's rules of procedure). All documents pertaining to the work of the Committee under article 14 (submissions from the parties and other working documents of the Committee) are confidential.

446. In carrying out its work under article 14 of the Convention, the Committee may be assisted by a working group of not more than five of its members, which submits recommendations to the Committee regarding the fulfilment of the conditions of admissibility of communications (rule 87) or on the action to be taken in respect of communications that have been declared admissible (rule 95, para. 1).

447. The Committee began its work under article 14 of the Convention at its thirtieth session, in 1984. It considered issues under article 14 at its thirty-first and thirty-second sessions, in 1985, its thirty-fourth session, in 1987, its thirty-sixth session, in 1988, and its thirty-seventh session, in 1989. At its thirty-sixth session, on 10 August 1988, the Committee adopted its opinion on communication No. 1/1984 (Yilmaz-Dogan v. The Netherlands). 5/

448. At its thirty-seventh session, the Committee had before it communication No. 2/1989 (D. T. D. v. France). It decided to transmit the communication to the State party, pursuant to rule 92 of its rules of procedure, and to request information and observations relevant to the question of the admissibility of the communication.

449. Under article 14, paragraph 8, of the Convention, the Committee shall include in its annual report a summary of the communications considered by it and of the explanations and statements of the States parties concerned, together with the Committee's own suggestions and recommendations thereon. This reporting stage has not been reached yet in respect of communication No. 2/1989.

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V. CONSIDERATION OF COPIES OF PETITIONS, COPIES OF REPORTS AND OTHER INFORMATION RELATING TO TRUST AND NON-SELF-GOVERNING TERRITORIES AND TO ALL OTHER TERRITORIES TO WHICH GENERAL ASSEMBLY RESOLUTION 1514 (XV) APPLIES, IN CONFORMITY WITH ARTICLE 15 OF THE CONVENTION

450. The Committee considered this item at its 859th meeting (thirty-seventh session), on 29 August 1989.

451. Under article 15 of the Convention, the Committee is empowered to consider copies of petitions, copies of reports and other information relating to Trust and Non-Self-Governing Territories and to all other territories to which General Assembly resolution 1514 (XV) applies, transmitted to it by the competent bodies of the United Nations, and to submit to them and to the General Assembly its expressions of opinion and recommendations relating to the principles and objectives of the Convention in these Territories.

452. At its thirty-sixth and thirty-seventh sessions, the Committee was informed by the Secretary-General of the action taken by the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples in 1987 and 1988 and by the Trusteeship Council at its fifty-fifth (1988) session, in connection with article 15 of the Convention.

453. At its 1988 session, the Special Committee, having regard to the relevant provisions of the International Convention on the Elimination of All Forms of Racial Discrimination, noted that the Committee on the Elimination of Racial Discrimination, owing to the curtailment of its thirty-sixth session, had postponed to its 1989 session substantive consideration of matters falling within the purview of article 15 of the Convention. In a letter dated 30 March 1988 addressed to the Chairman of the Committee on the Elimination of Racial Discrimination, the Acting Chairman of the Special Committee, having regard to the general comments of the Committee relating to matters falling within the purview of article 15 of the Convention, as reflected in the report of the Committee on its thirty-fifth session (A/42/18, para. 860), outlined for the information of the members of the Committee, the standing procedure adopted and the action taken by the Special Committee in respect of the information called for under article 15 of the Convention. Accordingly, the Special Committee decided to request the administering Powers concerned to include the required information in their annual reports to the Secretary-General transmitted under Article 73 (e) of the Charter. The Secretary-General was subsequently informed that no petitions falling under article 15 of the Convention had been received by the Special Committee during 1988.

454. The Trusteeship Council, at its 1656th meeting, held on 26 May 1988, considered the item on the agenda of its fifty-fifth session entitled "Co-operation with the Committee on the Elimination of Racial Discrimination" together with the item concerning the Decade for Action to Combat Racism and Racial Discrimination. The Council decided to take note of the statement made on the subject by several of its members (T/PV.1656). No further action concerning article 15 of the Convention was taken by the Trusteeship Council.

455. However, as a result of earlier decisions of the Trusteeship Council and the Special Committee, the Secretary-General transmitted to the Committee at its thirty-sixth and thirty-seventh sessions the documents listed in annex V below.

456. At its thirty-sixth session, the Committee approved the appointment of the members of its three working groups to examine the documentation submitted to it under article 15 of the Convention and to report to the Committee on their findings, as well as their opinions and recommendations, for consideration by the Committee at its thirty-seventh session. The working groups that met during the thirty-seventh session of the Committee consisted of the following members:

(a) Atlantic Ocean and Caribbean Territories, including Gibraltar

Mr. Banton, Mr. Reshetov, Mr. Vidas and Mr. Yutzis, with Mr. Shahi as Convenor;

(b) Pacific and Indian Ocean Territories

Mr. Beshir, Mr. Garvalov, Mr. Rhenan Segura and Mr. Song, with Mr. Sherifis as Convenor;

(c) African Territories

Mr. Ahmadu, Mr. Foighel, Mr. Braunschweig and Mr. Ferrero Costa, with Mr. Aboul-Nasr as Convenor.

The Committee also agreed that Mr. Partsch would serve as Chairman of the Convenors of the three working groups.

457. In accordance with established practice, the Committee agreed, at its thirty-seventh session, that the final text of its opinions and recommendations under article 15 of the Convention should be prefaced by the following observations:

(a) That, in lieu of a summary of reports and information it had received from United Nations bodies, as required by article 15, paragraph 3, of the Convention, the Committee was submitting a list of those documents (see annex V below); and

(b) That the "expressions of opinion and recommendations" that the Committee was required to submit to various United Nations bodies relating to the reports and information that it had received from them, in accordance with article 15, paragraph 2 (a) and (b) of the Convention, were prepared not in separate texts, but in a single integrated text, which would be submitted to the General Assembly in accordance with article 15, paragraph 3, of the Convention and to the United Nations bodies concerned.

458. The reports of the working groups mentioned above were considered by the Committee at its 859th meeting, held on 29 August 1989.

459. The Commiteee decided to draw the attention of the General Assembly and the relevant United Nations bodies to the following observations:

> "The Committee has examined the information contained in the documents and relating to Trust and Non-Self-Governing Territories and to all other Territories to which General Assembly resolution 1514 (XV) applies, and transmitted to it by the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples in accordance with the provisions of article 15,

paragraph 2, of the International Convention on the Elimination of All Forms of Racial Discrimination.

"The Committee once again finds it impossible to fulfil its functions under article 15, paragraph 2 (a), of the Convention, due to the total absence of any copies of petitions as provided therein. The Committee has studied the material furnished under article 15, paragraph 2 (b), and found that there was no valid information concerning legislative, judicial, administrative or other measures directly related to the principles and objectives of the Convention and, therefore, is unable to express any opinion and make any recommendation concerning the above-mentioned territories. The Committee therefore reiterates its request that it be furnished with the material expressly referred to in article 15 of the Convention to enable it to fulfil its functions."

VI. SECOND DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION

460. The Committee considered this item at its 855th to 859th meetings, held on 25, 28 and 29 August 1989.

461. For the consideration of the item, the Committee had before it the following documents:

(a) General Assembly resolution 43/91 of 8 December 1988: Second Decade to Combat Racism and Racial Discrimination;

(b) The role of private group action to combat racism and racial discrimination: report of the Secretary-General (A/43/631);

(c) The global compilation of national legislation against racial discrimination: report of the Secretary-General (A/43/637);

(d) Implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination: report of the Secretary-General (A/43/644);

(e) Implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination: report of the Third Committee (A/43/775);

(f) Implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination: report of the Secretary-General (E/1989/42);

(g) Implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination - Global consultation on racism and racial discrimination: note by the Secretary-General (E/1989/48).

462. Under this item, the Committee considered the revision of its study on "the progress made towards the achievement of the objectives of the International Convention on the Elimination of All Forms of Racial Discrimination" (CERD/1), on the basis of amendments and proposals submitted by the two designated members, Messrs. Banton and Yutzis. The Committee had decided, at its thirty-sixth session to revise and update the study, published in 1978 as its contribution to the First World Conference to Combat Racism and Racial Discrimination, on the occasion of its twentieth year of activities under the Convention, which the Committee intends to commemorate in 1990 (see para. 468 below).

463. Members of the Committee commended the two designated members for the changes and the revision they had proposed. The proposed changes and modifications were considered paragraph by paragraph, and necessary amendments and deletions were made.

464. At its 858th meeting, the Committee concluded the first reading of the revision of its study. It agreed that the first draft revision of the study, taking into account the views expressed by the members of the Committee, should be prepared by the Secretariat, in consultation with the designated members, for the approval of the Committee at its thirty-eighth session.

465. The Committee also considered the relevant documents submitted by the Secretary-General under this item. The Chairman introduced the report of the Global Consultation on Racism and Racial Discrimination (E/1989/48), which, in

accordance with General Assembly resolution 42/47, was held in October 1988 at Geneva, and which he had attended. He drew attention to conclusions and suggestions made by the participants in the Global Consultation. The Committee noted that paragraph 60 (a) of the conclusions and suggestions might give rise to different interpretations. While taking note of that particular paragraph, the Committee endorsed the conclusions and suggestions that had emerged from the Global Consultation on Racism and Racial Discrimination.

466. Under the same item, the Committee also considered a number of proposals for the commemoration of its twentieth year of activities under the International Convention on the Elimination of All Forms of Racial Discrimination. Diverse views and suggestions were put forward. Members of the Committee emphasized the importance of publicity for the principles and objectives of the Convention as well as the activities of the Committee itself. It was suggested that an international symposium on racism and racial discrimination could be organized as part of the commemorative activities in 1990. A member suggested that world renowned artists could be invited to present a programme on the commemorative day to coincide with the International Day for the Elimination of Racial Discrimination on 21 March 1990, and the proceeds from that programme could be donated to the victims of racism and racial discrimination.

467. At its 859th meeting, the Committee, on the basis of a draft prepared by the Chairman, agreed on a number of arrangements to be carried out for the commemoration of its twentieth year of activities in the discharge of its functions under the Convention.

468. In accordance with rule 25 of its rules of procedure, the Committee was informed of the financial and administrative implications of the draft proposal, which were taken note of by the Committee. The Committee then agreed on the following arrangements for the commemoration of its twentieth year of activities under the Convention:

Commemoration of the twentieth year of activities of the Committee on the Elimination of Racial Discrimination (1990)

1. At its 859th meeting, held on 29 August 1989, the Committee decided, subject to the availability of resources and the approval of the General Assembly at its forty-fourth session, to hold a commemorative session of three weeks' duration in New York, the site of its first meeting, and in conformity with article 10, paragraph 4, of the Convention to coincide with the commemoration of the International Day for the Elimination of Racial Discrimination, 21 March 1990, which will also be the thirtieth anniversary year of the Sharpeville massacre.

2. The Committee decided to allocate a limited number of meetings during that session to a round table for the evaluation of the work of the Committee during the first two decades and to consider ideas for its future work. For this purpose, it was agreed to invite all the former Chairmen of the Committee to participate in those meetings. The culmination of the commemoration would be the attendance at a solemn meeting of the entire committee with its former Chairmen and the representatives of the States parties to the Convention. The Chairman of the Special Committee against *Apartheid*, representatives of

non-governmental organizations and the representatives of ILO and UNESCO will also be invited to participate in the commemorative meetings.

3. The Committee further agreed to invite States parties to the Convention to give the widest possible publicity to the work of the Committee and to the principles and objectives of the Convention during this commemorative period, and to work for a universal ratification of the Convention.

4. It was also agreed to establish a close link with the Department of Public Information of the United Nations at Headquarters so as to ensure wide coverage of the commemoration.

5. The Committee agreed that the views exchanged and ideas developed during the commemorative meetings would form the basis of a pamphlet to be issued by the Centre for Human Rights and be given world-wide dissemination.

VII. DECISION ADOPTED BY THE COMMITTEE AT ITS THIRTY-SEVENTH SESSION

I (XXXVII). Serious concern for the future of the Committee on the Elimination of Racial Discrimination

The Committee on the Elimination of Racial Discrimination,

Gravely concerned that its work will be disrupted if it cannot meet regularly in 1990 due to the failure of a number of States parties to meet their financial obligations under the Convention,

Expressing concern that the action of the General Assembly at its forty-third session related to the financial situation of the Committee did not have the desired effect,

Convinced that the States parties are fully aware of the grim prospects which threaten to impede the normal functioning of the Committee,

Finding it extremely difficult to continue to discharge its mandate effectively under the Convention as long as the present situation continues to impede its work,

Recommends again the following draft resolution to the General Assembly for adoption:

> "The General Assembly,
>
> "Reiterating the importance of the International Convention on the Elimination of All Forms of Racial Discrimination, which is the most widely accepted human rights instrument adopted under the auspices of the United Nations, as well as of the contribution of the Committee on the Elimination of Racial Discrimination to United Nations efforts to combat racism and racial discrimination on a global scale,
>
> "Considering the relatively low cost of enabling the Committee to continue its work of monitoring the implementation of the Convention,
>
> "Concerned about the possibility of the Committee on the Elimination of Racial Discrimination being unable to meet in 1990 because of lack of enough financial means,
>
> "Taking note of the recommendations made by the 2nd meeting of Chairpersons of human rights treaty bodies [1] that the General Assembly, in carrying out its responsibility relating to the proper functioning of the human rights treaty bodies established to monitor the implementation of instruments adopted by the Assembly itself, and as a matter of the highest priority, should ensure the financing of each of the committees from the

---

"[1] A/44/98, para. 83.

United Nations regular budget or make other financial arrangements that may be necessary to enable each of the Committees to operate effectively,

"*Authorizes* the Secretary-General to ensure, on a temporary basis, the financing of the expenses of the members of the Committee on the Elimination of Racial Discrimination from the United Nations regular budget, until such time as a permanent solution to the financial difficulties impeding the functioning of that Committee is found."

854th meeting
23 August 1989

Notes

1/ The period of attendance of these members was as follows: Mr. Ahmadu, 16 August to 1 September; Mr. Beshir, 14 August to 1 September; Mr. Braunschweig, 7 to 11 August; Mr. Foighel, 21 to 23 August; Mr. Reshetov, 7 to 25 August; Mr. Rhenan Segura, 7 to 16 August; and Mr. Sherifis, 14 August to 1 September 1989.

2/ *Official Records of the General Assembly, Twenty-seventh Session, Supplement No. 18* (A/8718), chap. IX, sect. B.

3/ *Official Records of the General Assembly, Twenty-fifth Session, Supplement No. 27* (A/8027), annex III, sect. A.

4/ The competence of the Committee to exercise the functions provided for in article 14, paragraph 9, of the Convention became effective on 3 December 1982.

5/ Reproduced in annex IV to the 1988 annual report (A/43/18).

ANNEX I

A. States parties to the International Convention on the Elimination of All Forms of Racial Discrimination (128), as at 1 September 1989

State party	Date of receipt of the instrument of ratification or accession	Entry into force
Afghanistan	6 July 1983 a/	5 August 1983
Algeria	14 February 1972	15 March 1972
Antigua and Barbuda	25 October 1988 b/	25 October 1988 b/
Argentina	2 October 1968	4 January 1969
Australia	30 September 1975	30 October 1975
Austria	9 May 1972	8 June 1972
Bahamas	5 August 1975 b/	5 August 1975 b/
Bangladesh	11 June 1979 a/	11 July 1979
Barbados	8 November 1972 a/	8 December 1972
Belgium	7 August 1975	6 September 1975
Bolivia	22 September 1970	22 October 1970
Botswana	20 February 1974 a/	22 March 1974
Brazil	27 March 1968	4 January 1969
Bulgaria	8 August 1966	4 January 1969
Burkina Faso	18 July 1974 a/	17 August 1974
Burundi	27 October 1977	26 November 1977
Byelorussian Soviet Socialist Republic	8 April 1969	8 May 1969
Cameroon	24 June 1971	24 July 1971
Canada	14 October 1970	15 November 1970
Cape Verde	3 October 1979 a/	2 November 1979
Central African Republic	16 March 1971	15 April 1971
Chad	17 August 1977 a/	16 September 1977
Chile	20 October 1971	19 November 1971
China	29 December 1981 a/	28 January 1982
Colombia	2 September 1981	2 October 1981
Congo	11 July 1988 a/	10 August 1988
Costa Rica	11 January 1967	4 January 1969
Côte d'Ivoire	4 January 1973 a/	3 February 1973
Cuba	15 February 1972	16 March 1972
Cyprus	21 April 1967	4 January 1969
Czechoslovakia	29 December 1966	4 January 1969
Democratic Kampuchea	28 November 1983	28 December 1983
Democratic Yemen	18 October 1972 a/	17 November 1972
Denmark	9 December 1971	8 January 1972
Dominican Republic	25 May 1983 a/	24 June 1983

State party	Date of receipt of the instrument of ratification or accession	Entry into force
Ecuador	22 September 1966 a/	4 January 1969
Egypt	1 May 1967	4 January 1969
El Salvador	30 November 1979 a/	30 December 1979
Ethiopia	23 June 1976 a/	23 July 1976
Fiji	11 January 1973 b/	11 January 1973 b/
Finland	14 July 1970	13 August 1970
France	28 July 1971 a/	27 August 1971
Gabon	29 February 1980	30 March 1980
Gambia	29 December 1978 a/	28 January 1979
German Democratic Republic	27 March 1973 a/	26 April 1973
Germany, Federal Republic of	16 May 1969	15 June 1969
Ghana	8 September 1966	4 January 1969
Greece	18 June 1970	18 July 1970
Guatemala	18 January 1983	17 February 1983
Guinea	14 March 1977	13 April 1977
Guyana	15 February 1977	17 March 1977
Haiti	19 December 1972	18 January 1973
Holy See	1 May 1969	31 May 1969
Hungary	1 May 1967	4 January 1969
Iceland	13 March 1967	4 January 1969
India	3 December 1968	4 January 1969
Iran (Islamic Republic of)	29 August 1968	4 January 1969
Iraq	14 January 1970	13 February 1970
Israel	3 January 1979	2 February 1979
Italy	5 January 1976	4 February 1976
Jamaica	4 June 1971	4 July 1971
Jordan	30 May 1974 a/	29 June 1974
Kuwait	15 October 1968 a/	4 January 1969
Lao People's Democratic Republic	22 February 1974 a/	24 March 1974
Lebanon	12 November 1971 a/	12 December 1971
Lesotho	4 November 1971 a/	4 December 1971
Liberia	5 November 1976 a/	5 December 1976
Libyan Arab Jamahiriya	3 July 1968 a/	4 January 1969
Luxembourg	1 May 1978	31 May 1978
Madagascar	7 February 1969	9 March 1969
Maldives	24 April 1984 a/	24 May 1984
Mali	16 July 1974 a/	15 August 1974
Malta	27 May 1971	26 June 1971
Mauritania	13 December 1988	12 January 1989
Mauritius	30 May 1972 a/	29 June 1972

State party	Date of receipt of the instrument of ratification or accession	Entry into force
Mexico	20 February 1975	22 March 1975
Mongolia	6 August 1969	5 September 1969
Morocco	18 December 1970	17 January 1971
Mozambique	18 April 1983 a/	18 May 1983
Namibia	11 November 1982 a/	11 December 1982
Nepal	30 January 1971 a/	1 March 1971
Netherlands	10 December 1971	9 January 1972
New Zealand	22 November 1972	22 December 1972
Nicaragua	15 February 1978 a/	17 March 1978
Niger	27 April 1967	4 January 1969
Nigeria	16 October 1967 a/	4 January 1969
Norway	6 August 1970	5 September 1970
Pakistan	21 September 1966	4 January 1969
Panama	16 August 1967	4 January 1969
Papua New Guinea	27 January 1982 a/	26 February 1982
Peru	29 September 1971	29 October 1971
Philippines	15 September 1967	4 January 1969
Poland	5 December 1968	4 January 1969
Portugal	24 August 1982 a/	23 September 1982
Qatar	22 July 1976 a/	21 August 1976
Republic of Korea	5 December 1978 a/	4 January 1979
Romania	15 September 1970 a/	15 October 1970
Rwanda	16 April 1975 a/	16 May 1975
Saint Vincent and the Grenadines	9 November 1981 a/	9 December 1981
Senegal	19 April 1972	19 May 1972
Seychelles	7 March 1978 a/	6 April 1978
Sierra Leone	2 August 1967	4 January 1969
Solomon Islands	17 March 1982 b/	17 March 1982 b/
Somalia	26 August 1975	25 September 1975
Spain	13 September 1968 a/	4 January 1969
Sri Lanka	18 February 1982 a/	20 March 1982
Sudan	21 March 1977 a/	20 April 1977
Suriname	15 March 1984 b/	15 March 1984 b/
Swaziland	7 April 1969 a/	7 May 1969
Sweden	6 December 1971	5 January 1972
Syrian Arab Republic	21 April 1969 a/	21 May 1969
Togo	1 September 1972 a/	1 October 1972
Tonga	16 February 1972 a/	17 March 1972
Trinidad and Tobago	4 October 1973	3 November 1973
Tunisia	13 January 1967	4 January 1969

State party	Date of receipt of the instrument of ratification or accession	Entry into force
Uganda	21 November 1980 a/	21 December 1980
Ukrainian Soviet Socialist Republic	7 March 1969	6 April 1969
Union of Soviet Socialist Republics	4 February 1969	6 March 1969
United Arab Emirates	20 June 1974 a/	20 July 1974
United Kingdom of Great Britain and Northern Ireland	7 March 1969	6 April 1969
United Republic of Tanzania	27 October 1972 a/	26 November 1972
Uruguay	30 August 1968	4 January 1969
Venezuela	10 October 1967	4 January 1969
Viet Nam	9 June 1982 a/	9 July 1982
Yemen	6 April 1989 a/	6 May 1989
Yugoslavia	2 October 1967	4 January 1969
Zaire	21 April 1976 a/	21 May 1976
Zambia	4 February 1972	5 March 1972

B. States parties that have made the declaration under article 14, paragraph 1, of the Convention

State party	Date of deposit of the declaration	Effective date
Costa Rica	8 January 1974	8 January 1974
Denmark	11 October 1985	11 October 1985
Ecuador	18 March 1977	18 March 1977
France	16 August 1982	16 August 1982
Iceland	10 August 1981	10 August 1981
Italy	5 May 1978	5 May 1978
Netherlands	10 December 1971	9 January 1972
Norway	23 January 1976	23 January 1976
Peru	27 November 1984	27 November 1984
Senegal	3 December 1982	3 December 1982
Sweden	6 December 1971	5 January 1972
Uruguay	11 September 1972	11 September 1972

Notes

a/ Accession.

b/ Date of receipt of notification of succession.

ANNEX II

Agenda of the thirty-seventh session of the Committee

1. Adoption of the agenda.

2. Action by the General Assembly at its forty-third session:

   (a) Annual report submitted by the Committee on the Elimination of Racial Discrimination under article 9, paragraph 2, of the Convention;

   (b) Reporting obligations of States parties to United Nations conventions on human rights (General Assembly resolution 42/105).

3. Submission of reports by States parties under article 9 (1) of the Convention.

4. Consideration of reports, comments and information submitted by States parties under article 9 of the Convention.

5. Consideration of communications under article 14 of the Convention.

6. Consideration of copies of petitions, copies of reports and other information relating to Trust and Non-Self-Governing Territories and to all other territories to which General Assembly resolution 1514 (XV) applies, in conformity with article 15 of the Convention.

7. Second Decade to Combat Racism and Racial Discrimination.

8. Report of the Committee to the General Assembly at its forty-fourth session under article 9, paragraph 2, of the Convention.

ANNEX III

Membership of the Committee on the Elimination of Racial Discrimination

Name of member	Country of nationality	Term expires on 19 January
Mr. Mahmoud ABOUL-NASR	Egypt	1990
Mr. Hamzat AHMADU	Nigeria	1990
Mr. Michael Parker BANTON	United Kingdom of Great Britain and Northern Ireland	1990
Mr. Mohamed Omer BESHIR	Sudan	1990
Mr. André BRAUNSCHWEIG	France	1990
Mr. Eduardo FERRERO COSTA	Peru	1992
Mr. Isi FOIGHEL	Denmark	1992
Mr. Ivan GARVALOV	Bulgaria	1992
Mr. George O. LAMPTEY	Ghana	1990
Mr. Karl Josef PARTSCH	Germany, Federal Republic of	1990
Mr. Yuri A. RESHETOV	Union of Soviet Socialist Republics	1992
Mr. Jorge RHENAN SEGURA	Costa Rica	1992
Mrs. Shanti SADIQ ALI	India	1992
Mr. Agha SHAHI	Pakistan	1990
Mr. Michael E. SHERIFIS	Cyprus	1990
Mr. SONG Shuhua	China	1992
Mr. Kasimir VIDAS	Yugoslavia	1992
Mr. Mario Jorge YUTZIS	Argentina	1992

ANNEX IV

Assessments outstanding as at 14 August 1989

(in United States dollars)

State party	1989	Prior years	Total
Afghanistan	550	0	550
Algeria	709	434	1 143
Argentina	532	0	532
Bangladesh	546	2	548
Botswana	550	346	896
Brazil	2 173	0	2 173
Burkina Faso	550	4 732	5 282
Burundi	550	7 001	7 551
Cameroon	550	853	1 403
Canada	3 989	0	3 989
Cape Verde	550	5 264	5 814
Central African Republic	550	7 672	8 222
Chad	550	7 001	7 551
Chile	632	0	632
Congo	758	0	758
Costa Rica	561	2 795	3 356
Côte d'Ivoire	560	0	560
Czechoslovakia	1 256	0	1 256
Democratic Kampuchea	550	346	896
Dominican Republic	572	1 567	2 139
Ecuador	112	0	112
Egypt	617	0	617
El Salvador	550	5 264	5 814
Gabon	572	0	572
Gambia	550	5 933	6 483
Guatemala	561	2 423	2 984
Guinea	550	5 674	6 224
Haiti	550	852	1 402
Hungary	769	0	769
India	959	0	959
Iran (Islamic Republic of)	1 216	0	1 216
Iraq	672	420	1 092
Israel	16	0	16
Jordan	346	0	346
Lao People's Democratic Republic	550	346	896
Lebanon	550	2 924	3 474
Lesotho	550	346	896
Liberia	550	5 241	5 791
Libyan Arab Jamahiriya	858	5 515	6 373
Madagascar	550	601	1 151
Maldives	550	346	896
Mali	550	7 952	8 502

State party	1989	Prior years	Total
Malta	390	0	390
Mauritius	550	0	550
Mexico	1 605	0	1 605
Mozambique	550	3 199	3 749
Nicaragua	550	346	896
Niger	550	852	1 402
Nigeria	765	468	1 233
Panama	561	1 038	1 599
Papua New Guinea	550	352	902
Peru	602	386	988
Philippines	634	0	634
Qatar	598	0	598
Romania	750	6 900	7 650
Rwanda	550	0	550
Saint Vincent and the Grenadines	550	4 739	5 289
Senegal	550	0	550
Sierra Leone	550	6 761	7 311
Solomon Islands	550	346	896
Somalia	550	5 130	5 680
Sri Lanka	550	0	550
Sudan	550	1 612	2 162
Suriname	550	1 700	2 250
Swaziland	549	0	549
Togo	550	4 894	5 444
Tonga	550	0	550
Trinidad and Tobago	598	83	681
Uganda	550	852	1 402
United Kingdom of Great Britain and Northern Ireland	5 947	0	5 947
United Republic of Tanzania	550	0	550
Venezuela	1 161	0	1 161
Viet Nam	550	346	896
Zaire	550	57	607
Total	55 146	121 911	172 560

ANNEX V

Documents received by the Committee on the Elimination of Racial Discrimination at its thirty-seventh session pursuant to decisions of the Trusteeship Council and the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, in conformity with article 15 of the Convention

The following is a list of the working papers submitted by the Special Committee:

African Territories

Western Sahara	A/AC.109/918 and A/AC.109/959

Atlantic Ocean and Caribbean Territories, including Gibraltar

Anguilla	A/AC.109/934, A/AC.109/935, A/AC.109/975, A/AC.109/975/Add.1 and A/AC.109/976
Bermuda	A/AC.109/942 and Corr.1, A/AC.109/947, A/AC.109/948, A/AC.109/995 to A/AC.109/997
British Virgin Islands	A/AC.109/940 and A/AC.109/983
Cayman Islands	A/AC.109/941, A/AC.109/943, A/AC.109/982 and A/AC.109/989
Falkland Islands (Malvinas)	A/AC.109/920 and Corr.1
Gibraltar	A/AC.109/915 and A/AC.109/963
Saint Helena	A/AC.109/938 and A/AC.109/978
Montserrat	A/AC.109/944 and Corr.1, A/AC.109/946, A/AC.109/980 and A/AC.109/994
Turks and Caicos Islands	A/AC.109/950, A/AC.109/952 and Corr.1, A/AC.109/984 and A/AC.109/985
United States Virgin Islands	A/AC.109/954 to A/AC.109/956, A/AC.109/986, A/AC.109/987 and A/AC.109/990

Pacific and Indian Ocean Territories

American Samoa	A/AC.109/953 and A/AC.109/988
East Timor	A/AC.109/919 and A/AC.109/961

Pacific and Indian Ocean Territories (continued)

Guam	A/AC.109/945 and Add.1 and 2, A/AC.109/949, A/AC.109/992 and A/AC.109/993
New Caledonia	A/AC.109/964
Pitcairn	A/AC.109/936 and A/AC.109/977
Tokelau	A/AC.109/937 and Corr.1, A/AC.109/979 and A/AC.109/979/Add.1
Trust Territory of the Pacific Islands	A/AC.109/957 and A/AC.109/998

ANNEX VI

List of documents issued for the thirty-seventh session of the Committee

CERD/C/111/Add.5	Initial report of the Dominican Republic
CERD/C/131/Add.14	Seventh periodic report of Democratic Yemen
CERD/C/142/Add.1	Second periodic report of the Dominican Republic
CERD/C/146/Add.3	Sixth periodic report of Australia
CERD/C/148/Add.5	Eighth periodic report of Cameroon
CERD/C/148/Add.6	Eighth periodic report of Malta
CERD/C/149/Add.30	Ninth periodic report of the Philippines
CERD/C/158/Add.10	Eighth periodic report of Democratic Yemen
CERD/C/159/Add.4	Ninth periodic report of Norway
CERD/C/165/Add.1	Third periodic report of the Dominican Republic
CERD/C/166/Add.1	Fourth periodic report of Colombia
CERD/C/168/Add.1	Sixth periodic report of Burundi
CERD/C/169/Add.1	Seventh periodic report of Rwanda
CERD/C/171/Add.1	Ninth periodic report of Cameroon
CERD/C/171/Add.2	Ninth periodic report of Malta
CERD/C/172/Add.10	Tenth periodic report of Mongolia
CERD/C/172/Add.11	Tenth periodic report of the United Kingdom of Great Britain and Northern Ireland
CERD/C/172/Add.12	Tenth periodic report of Egypt
CERD/C/172/Add.13	Tenth periodic report of the Federal Republic of Germany
CERD/C/172/Add.14	Tenth periodic report of the Ukrainian Soviet Socialist Republic
CERD/C/172/Add.15	Tenth periodic report of the Byelorussian Soviet Socialist Republic
CERD/C/172/Add.16	Tenth periodic report of the United Kingdom of Great Britain and Northern Ireland
CERD/C/172/Add.17	Tenth periodic report of the Philippines
CERD/C/172/Add.18	Tenth periodic report of Argentina
CERD/C/177	Initial reports of States parties due in 1989
CERD/C/178	Third periodic reports of States parties due in 1989
CERD/C/179	Fourth periodic reports of States parties due in 1989
CERD/C/180	Fifth periodic reports of States parties due in 1989
CERD/C/181	Sixth periodic reports of States parties due in 1989
CERD/C/182	Seventh periodic reports of States parties due in 1989

CERD/C/182/Add.1	Seventh periodic report of Qatar
CERD/C/183	Eighth periodic reports of States parties due in 1989
CERD/C/184	Ninth periodic reports of States parties due in 1989
CERD/C/184/Add.1	Ninth periodic report of Sweden
CERD/C/185	Tenth periodic reports of States parties due in 1989
CERD/C/185/Add.1	Tenth periodic report of Finland
CERD/C/186	Provisional agenda and annotations of the thirty-seventh session of the Committee on the Elimination of Racial Discrimination: note by the Secretary-General
CERD/C/187	Submission of reports by States parties in accordance with article 9 of the Convention: note by the Secretary-General
CERD/C/188	Consideration of copies of petitions, copies of reports and other information relating to Trust and Non-Self-Governing Territories and to all other Territories to which General Assembly resolution 1514 (XV) applies, in conformity with article 15 of the Convention: note by the Secretary-General
CERD/C/SR.831-862	Summary record of the thirty-seventh session of the Committee

كيفية الحصول على منشورات الأمم المتحدة

يمكن الحصول على منشورات الأمم المتحدة من المكتبات ودور التوزيع في جميع أنحاء العالم . استعلم عنها من المكتبة التي تتعامل معها أو اكتب إلى : الأمم المتحدة ، قسم البيع في نيويورك أو في جنيف .

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